

भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

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सं० ३४] नई दिल्ली, शनिवार, अगस्त २१, १९६५/श्रावण ३०, १८८७

No. 34] NEW DELHI, SATURDAY, AUGUST 21, 1965/SRAVANA 30, 1887

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed as a separate compilation

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण राजपत्र १० अगस्त १९६५ तक प्रकाशित किये गये ।

The unmentioned Gazettes of India Extraordinary were published upto the 10th August, 1965 :—

Issue No.	No. and Date	Issued by	Subject
185	S. O. 2495, dated 4th August, 1965.	Delimitation Commission.	Proposals in respect of the distribution of the seats for Parliament and Legislative Assembly of Rajasthan.
186	S. O. 2496, dated 4th August, 1965.	Ministry of Information and Broadcasting.	Approval of the films specified therein.
187	S. O. 2497, dated 7th August, 1965.	Ministry of Food and Agriculture.	Delegation of powers under the Essential Commodities, Act 1955 regarding cattle fodder to the Collectors of Panchmahals and Bulsar districts of Gujarat State.
188	S. O. 2498, dated 9th August, 1965.	Delimitation Commission.	Regarding delimitation of parliamentary and assembly constituencies in the Union Territory of Himachal Pradesh.

Issue No.	No. and Date	Issued by	Subject
189	S. O. 2499, dated 10th August, 1965.	Ministry of Information and Broadcasting.	Approval of film specified therein.

उत्तर लिखें असाधारण गजटों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मागपत्र भेजने पर दी जाएंगी। मागपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 16 दिन के भीतर पहुँच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II —खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

MINISTRY OF HOME AFFAIRS

New Delhi, the 11th August 1965

S.O. 2555.—In exercise of the powers conferred by entry 3(c) of Schedule I annexed to the Ministry of Home Affairs Notification No. 15/13/59-P.IV, dated the 13th July, 1962 [G.S.R. No. 991, published in the Gazette of India, Part II, Section 3, sub-section (ii), dated the 28th July, 1962], the Central Government is pleased to specify Senior Rajmata Virbh Kunwar, mother of the Ruler of Udaipur for the purpose of that entry and direct that the exemption shall be valid in respect of one .12 bore gun, one rifle and one revolver/pistol only.

[No. 16/9/65-P.IV.]

G. L. BAILUR, Under Secy.

गृह मंत्रालय

नई दिल्ली, दिनांक 11 अगस्त, 1965

एस० ओ० 2556.—संख्या 15/13/65 पी० IV दिनांक 13 जुलाई, 1962 [भारत के राजपत्र भाग II खंड 3, उपखंड (ii) दिनांक 28 जुलाई, 1962 में प्रकाशित सामान्य परिनियत नियम 991] के साथ लगे हुई पहली सूची का प्रविष्टि 3(ग) द्वारा दिए गए अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार बड़ी राजमाता विर्ध कुंवर उदयपुर के शासक की माता को उक्त प्रविष्टि के लिये सहर्ष अधिकृत करती है तथा निर्देश देती है कि यह छूट (एक. 12 बोर बन्दूक, एक राइफल तथा एक पिस्तौल/रिवाल्वर के बारे में लागू होगी।

[सं० 16/9/65-पी० IV]

जी० एल० बैलूर,

अवर सचिव, भारत सरकार

ORDER

New Delhi, the 12th August 1965

S.O. 2557.—In exercise of the powers conferred by sub-section (1) of section 5 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government hereby extends to the States of Andhra Pradesh, Assam, Bihar, Mysore and Rajasthan, the powers and jurisdiction of members of the Delhi Special Police Establishment for the investigation of any offences specified in the Schedule hereto annexed.

THE SCHEDULE

- (i) Offences punishable under section 9 of the Opium Act, 1878 (1 of 1878).
- (ii) Offences punishable under sections 10, 11, 12, 13, 14, 15, 16, 17, 19, 20 and 21 of the Dangerous Drugs Act, 1930 (2 of 1930).

[No. 228/1/65-AVD.II.]

A. P. VEERA RAGHAVAN, Dy. Secy.

DEPARTMENT OF SOCIAL SECURITY

New Delhi, the 9th August 1965

S.O. 2558.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 15th day of August, 1965 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Rajasthan, namely:—

Areas within the Municipal limits of Kota, Tehsil Ladpura, District Kota.

[No. F. 13(26)/65-HI.]

New Delhi, the 10th August 1965

S.O. 2559.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952) and in supersession of the notifications of the Government of India in the Ministry of Labour and Employment No. S.O. 1029, dated the 27th April, 1961 and No. S.O. 88, dated the 24th December, 1963, the Central Government hereby appoints Shri P. S. Dhotrekar to be an Inspector for the whole of the State of Madras and the Union territory of Pondicherry for the purposes of the said Act and of any Scheme framed thereunder, in relation to establishments belonging to, or under the control of the Central Government, or in relation to establishments connected with a railway company, a major port, a mine or an oil-field, or a controlled industry *vice* Shri A. Somasundaram, reverted to the State Government.

2. This notification shall be deemed to have taken effect on the 12th July, 1965.

[No. 17(76)/65-PF-I(i).]

S.O. 2560.—In exercise of the powers conferred by sub-section (2) of section 5D of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notifications of the Government of India in the Ministry of Labour and Employment No. S.O. 1028, dated the 27th April, 1961 and S.O. 89, dated the 24th December, 1963, the Central Government hereby appoints Shri P. S. Dhotrekar as Regional Provident Fund Commissioner for the whole of the State of Madras and the Union territory of Pondicherry to assist the Central Provident Fund Commissioner in the discharge of his duties *vice* Shri A. Somasundaram reverted to the State Government.

2. This notification shall be deemed to have taken effect on the 12th July, 1965.

[No. 17(76)/65-PF-I(ii).]

DALJIT SINGH, Under Secy.

MINISTRY OF COMMERCE**CORRIGENDUM***New Delhi, the 11th August 1965*

S.O. 2561.—In the notification of the Government of India in the Ministry of Commerce S.O. No. 1291 dated the 12th April, 1965, published in sub-section (ii) of Part II of Section 3 of the Gazette of India dated the 24th April, 1965, against Serial No. (2), for the words appearing after the Director of Agriculture Department of Industries, Labour and Cooperation," substitute "Department of Food and Agriculture".

[No. F. 1(1)Plant(B)/64.]

I. R. KAKAR, Under Secy.

MINISTRY OF HEALTH*New Delhi, the 11th August 1965*

S.O. 2562.—In exercise of the powers conferred by section 21 of the Drugs and Cosmetics Act, 1940 (23 of 1940) the Central Government hereby appoints Shri R. Balasubramanyam, Assistant Drugs Controller, Directorate General of Health Services, New Delhi as Inspector for the purpose of the said Act (other than chapter IVA thereof) for the Union Territory of Delhi.

[No. F. 3-6/65-D.]

A. N. VARMA, Under Secy.

MINISTRY OF TRANSPORT**(Transport Wing)***New Delhi, the 11th August 1965*

S.O. 2563.—In exercise of the powers conferred by section 18 of the Indian Lighthouse Act, 1927 (17 of 1927), the Central Government hereby exempts the ships participating in the International Indian Ocean Expedition during the year 1965 from the payment of lightdues under the said Act.

[No. 5-ML(6)/65.]

H. C. KAKAR, Under Secy.

(Transport Wing)**(MERCHANT SHIPPING)***New Delhi, the 13th August 1965*

S.O. 2564.—In exercise of the powers conferred by rule 5 of the Indian Merchant Shipping (Seamen's Employment Office, Calcutta) Rules, 1954, the Central Government hereby appoints Captain M. N. Ure as a member representing the shipowners on the Seamen's Employment Board (Foreign-going) at the port of Calcutta established under the notification of the Government of India in the Ministry of Transport No. 15-MT(2)/64, dated the 10th May, 1965, in the place of Captain J. Paterson, who has resigned, and makes the following amendment in the said notification, namely:—

In the said notification in the entry against item No. (6) for the words and letter "Captain J. Paterson", the words and letter "(6) Captain M. N. Ure" shall be substituted.

[No. 15-MT(2)/64.]

D. S. NIM, Dy. Secy.

MINISTRY OF STEEL AND MINES

(Department of Mines and Metals)

New Delhi, the 9th August 1965

S.O. 3565.—WHEREAS by the notification of the Government of India in the Ministry of Steel and Mines (Department of Mines and Metals) S.O. 1187 dated the 2nd April, 1965 under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to acquire the lands in the locality specified in the Schedule appended to that notification,

And whereas the Central Government is satisfied after considering the report submitted by the competent authority in pursuance of the provisions of section 8 of the same Act, and after previous consultation with the Government of Bihar, that—

(a) the lands measuring 235.00 acres (approximately) or 95.18 hectares (approximately) described in Schedule 'A' appended hereto ; and

(b) the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 40.00 acres (approximately) or 16.20 hectares (approximately) described in Schedule 'B' appended hereto ;

should be acquired.

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, the Central Government hereby declares that the land measuring 235.00 acres (approximately) or 95.18 hectares (approximately) described in the said Schedule 'A' and the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 40.00 acres (approximately) or 16.20 hectares (approximately) described in the said schedule 'B'; are hereby acquired.

NOTE.— The plans of the areas covered by this notification may be inspected in the Office of the Deputy Commissioner, Dhanbad or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the National Coal Development Corporation Ltd. (Revenue Section), Darbhanga House, Ranchi.

SCHEDULE 'A'

Central Jharria Block-'B'.

Sub-Block-I

'All Rights'

Drg. No. Rev/33/65
Dated 22-6-1965 (showing
lands acquired).

Serial Number	Village	Thana	Thana Number	District	Area	Remarks
1	Manidi	Jharria	85	Dhanbad		Part
2	Garbhudih	"	86	"		"
3	Bardubhi	"	92	"		"
4	Baludih	"	93	"		"
5	Dubrajpur	"	94	"		"
6	Jatudih	"	104	"		"

TOTAL area : 235.00 acres (Approximately)
OR 95.18 hectares (approximately)

Plot Numbers to be acquired in village Manidi :

739(P), 759(P), 760(P), 762(P), 763 to 775, 776(P), 777(P), 778(P), 787(P), 798(P), 799 800, 801, 802, 803, 804(P), 819(P), 820, 821(P), 822(P), 823, 824(P), 825(P), 826(P), 827(P), 828 to 848, 849(P), 850, 851(P), 852(P), 858(P), 859 to 889, 890(P) and 891(P).

Plot numbers acquired in village Garbhudih

1(P), 2(P), 325(P), 326(P), 327(P), 328(P), 329(P), 330, 331, 332, 333(P), 606(P), 607 to 612 613(P), 614(P), 615 to 625, 626(P), 628(P), 629 (P), 630, 631(P), 632 to 643, 644(P), 760(P) 761(P), 762, 825 to 836, 837(P), 838(P), 841(P), 842(P), 843, 844, 845, 846, 847(P), 850(P), 852(P) 853(P), 861(P), 862(P), 863(P), 864(P), 865(P), 867, 868, 877(P), 878, 879 to 884, 885(P), 885 887, 888, 889(P), 892, 893(P), 898(P), 899(P) and 900(P).

Plot numbers acquired in village Bardubhi

493(P), 494(P), 495(P), 496(P), 497 to 504, 505(P), 506, 507, 508(P), 509(P), 510(P), 537(P), 538(P), 540(P), 541(P), 542, 543, 544, 545(P), 546(P), 547(P), 548 to 570, 571(P), 573(P), 574, 575, 576(P), 577(P), 579(P), 580(P), 637(P), 638, 639(P), 642 to 659, 665(P), 666, 667(P), 668(P), 669(P), 670, 671(P), 672, 673(P) and 674(P).

Plot numbers acquired in village Baludih.

18(P), 19, 20, 21(P), 22, 23, 24, 25, 26(P), 29(P), 30(P), 31(P), 32, 33(P), 34, 35(P), 36(P), 37(P), 42(P), 62(P), 70(P), 71, 72(P), 73, 74(P), 75, 76, 77(P), 83(P), 84(P), 85(P), 86(P), 87(P), 88, 89, 90, 91, 92, 93, 94(P), 95(P), 96 to 112, 113(P), 114 to 135, 136(P), 137, 138, 139, 141(P), 142(P), 156(P), 165(P), 166(P), 180, 182, 183, and 184(P).

Plot Numbers acquired in village Dubrajpur.

1, 2(P), 3 to 39, 40(P), 44(P), 45(P), 46(P), 47(P), 66(P), 67(P), 68, 69, 70, 71, 72(P), 73(P), 74, 75, 76, 77, 78, 79(P), 80, 92(P), 93 to 102, 109(P), 110, 111, 112, 113, 114(P), 115 to 119, 120(P), 121(P), 122(P), 144(P), 163(P), 166(P), 167(P), 168(P), 169(P), 176(P) and 180(P).

Plot numbers acquired in village Jatudih

1(P), and 541(P).

BOUNDARY DESCRIPTION OF SUB-BLOCK-I.

A—B : line passes along the part central line of Bansjoria river and meets at point 'B'.

B—C : line passes along the part common boundary of villages Garbhudih and Saraidaha and then through plot nos. 333, 613, 614, 626, 681, 628, 629, 631, 644, 837, 838, 841, 842, 853, 852, 850, 847, 865, 862, 863, 864, 885, 861, 891, 893, 898, 899, 900, in village Garbhudih and through plot nos. 890, 891 in village Manidi and through plot nos. 120, 121, 122, 144, 109, in village Dubrajpur and meets at point 'C'.

C-D-E-F-G-H- lines pass through plot no. 109, along the western boundary of plot no. 108, through plot nos. 109, 114, along Northern Boundary of plot no. 103, through plot no. 92, along the Northern boundary of plot no. 86, along the Southern boundary of plot no. 78, through plot no. 79, along the Northern Boundary of plot no. 81 in village Dubrajpur and through plot no. 21 in village Baludih and through plot nos. 168, 167, 166, 163 and 180, in village Dubrajpur (which is part common boundary of Sub-Block-III Mining Rights) and meet at point 'H'.

H—I : line passes through plot nos. 180, 166, 167, 176, 169, in village Dubrajpur through plot no. 113, in village Baludih and through plot nos. 493, 494, 496, 495, 509, 510, 508, 505, 541, 540, 545, 546, 547, 538, 537, 571, 573, 580, in village Bardubhi and meets at point 'I'.

I—J : line passes through plot Nos. 580, 573, 579, 576, 577, 639, 637, 673, 674, 671, 669, 668, 669, 667, 665, in village Bardubhi and through plot no. 541 in village Jatudih and meets at point 'J'.

J—K : line passes through plot no. 541, in village Jatudih and meets at point 'K'.

K-L-M : lines pass along the Southern Boundary of plot no. 5, through plot nos. 451, 1, in village Jatudih, through plot No. 665, along the Southern Boundary of plot no. 661, along the Southern and Western boundary of plot no. 660 in village Bardubhi, through plot nos. 156, 166, along the part Southern Boundary of plot no. 166, through plot nos. 165, 136, along the Northern boundary of plot nos. 137, 139, through plot nos. 141, 142, along the Western Boundary of plot nos. 143, 145, 146 and 61 in village Baludih and meet at point 'M'.

M—N : line passes through plot Nos. 62, 95, 94, 87, 86, 83, 84, 85, 86, 77, 74, 77, 72, 70, 42, 37, 36, 35, 33, 31, 30, 29, 26, 18, in village Baludih, through plot nos. 73, 72, 66, 67, 46, 47, 46, 45, 44, 40, 2, then along Northern boundary of plot No. 1 in village Dubrajpur and through plot Nos. 858, 852, 851, 849, along the Northern boundary of plot No. 848, through plot Nos. 819, 821, 822, 824, 825, 826, 827, 804, 798, 787, 776, 777, 778, 760, 759, 739, 762, in village Manidi and through plot Nos. 760, 761, in village Garbhudih (which is the part common boundary of Central Jharia Block Extn. acquired under section 9(1) of Coal Bearing Areas (Acquisition and Development) Act, 1957, vide S.O. 363 dated 20th January 1964 and meets at point 'N'.

N-O-P : lines pass through plot No. 761, along the Western boundary of plot No. 762 through plot no. 877, along the Southern Boundary of lot nos. 874, 873, 872, Part Southern Boundary of plot nos. 871 along Eastern boundary of plot No. 869, Eastern Southern, and Western boundary of plot No. 824, along Southern Boundary of plot Nos. 691, 670, 669, 668, Part Western Boundary of plot No. 668, along Southern Boundary of plot Nos. 667, 662, 661, 656, 655, 645, 646, 647, along Southern and Western Boundary of plot Nos. 605 and 603 in village Garbhudih and meet at point 'P'.

P—A : line passes through plot No. 606, 333, 329, 328, 327, 326, 325, 2 and 1, in village Garbhudih [which is the part common boundary of Central Jharia Block-Extn. acquired under section 9(i) of Coal Bearing areas (Acquisition and Development) Act, 1957 vide S.O. 363 dated 28th January, 1964] and meets at point 'A'.

SCHEDULE-B.

Central Jharia Block 'B'

SUB-BLOCK-II.

'Mining Rights'

Drg. No. Rev/33/65 dated 22-6-1965.
(showing lands where rights, to mine, quarry, bore, dig search for win, work and carry away minerals are acquired).

Serial No.	Village	Thana	Thana No.	District	Area	Remarks
1	Garbhudih	Jharia	86	Dhanbad		Part

TOTAL Area : 18.90 acres (approximately).
OR : 7.65 hectares (approximately).

Plot Numbers acquired in village Garbhudih :

603(P), 604(P), 605, 645, 646, 647, 648(P), 649(P), 650(P), 651(P), 652(P), 653(P), 654, 655, 656, 657, 658 (P), 659(P), 660(P), 661, 662, 663(P), 664(P), 665(P), 666(P), 667, 668, 669, 670, 671(P), 672(P), 673(P), 674, 675, 676, 677, 679(P), 680(P), 681(P), 682 to 696, 697(P), 700(P), 710, 702, 703, 704(P), 707(P), 708, 709, 710, 711(P), 714(P), 715, 716, 717, 718, 719, 720, 721(P), 722(P), 761(P), 763 to 792, 793(P), 794 to 824, 869 to 876 and 877(P).

BOUNDARY DESCRIPTION OF SUB-BLOCK-II

P-O-N : lines pass along the Southern and Western Boundary of plot Nos. 603, 605 Southern Boundary of plot Nos. 647, 646, 645, 655, 666, 661, 662, 667, Part Western Boundary of plot No. 668, Southern Boundary of plot Nos. 668, 669, 676, 691, Western Southern and Eastern boundary of plot No. 824, along Western boundary of plot No. 869, Part Southern Boundary of plot No. 871, along Southern Boundary of plot Nos. 872, 873, 874, through plot no. 877, along the Western boundary of plot No. 762, through plot No. 761, in village Garbhudih (which is part of common boundary of Sub-Block-I All rights) and meet at point 'N'.

N-P : line passes through plot Nos. 761, 793, 721, 722, 714, 711, 707, 704, 700, 697, 681, 680, 679, 673, 672, 671, 666, 665, 663, 664, 659, 660, 658, 653, 652, 651, 650, 649, 648, 604, 603, in village Garbhudih. (which is part common boundary of Central Jharia Block-Extn. acquired U/s. 9(i) of Coal Bearing Areas (Acquisition and Development) Act, 1957 vide S.O. 363 dated 20th January, 1964) and meets at point 'P'.

SUB-BLOCK-III

'Mining Rights'

Serial No.	Village	Thana	Thana No.	District	Area	Remarks
1	Baludih	Jharia	93	Dhanbad		Part.
2	Dubrajpur	"	94	"		"

Total area : 7.80 acres (Approximately).
OR : 3.16 Hectares (Approximately).

Plot. Number acquired in village Baludih :

21(P).

Plot Numbers acquired in village Dubrajpur :

79(P), 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92(P), 103, 104, 105, 106, 107, 108, 109(P), 114(P), 145(P), 155(P), 156(P), 157, 158, 159, 160, 161, 162, 163(P), 164, 165, 166(P), 167(P), 168(P), and 180(P).

BOUNDARY DESCRIPTION OF SUB-BLOCK-III.

C-H : line passes through plot nos. 109, 145, 156, 155, 180, in village Dubrajpur and meets at point 'H'.

H-G-F-E-D-C : lines pass through plot nos. 180, 163, 166, 167, 168, in village Dubrajpur through plot no. 21 in village Baludih, along the Northern Boundary of plot no. 81, through plot no. 79, along the Southern boundary of plot no. 78, along the Northern boundary of plot no. 86, through plot no. 92 along Northern boundary of plot no. 103, through plot nos. 114 and 109, along Western boundary of plot no. 108 through plot no. 109 in village Dubrajpur (which is part common boundary of Sub-Block-III Mining Rights) and meet at point 'G'.

SUB-BLOCK-IV.

Mining Rights

Serial No.	Village	Thana	Thana No.	District	Area	Remarks
1	Bardubhi	Jharua	92	Dhanbad		Part.
2	Baludih	"	93	"		"
3	Jatudih	"	104	"		"

Total area : 13.30 acres (approximately).
OR : 5.39 Hectares (Approximately).

Plot numbers acquired in village Bardubhi :

660, 661, 662, 663, 664 and 665(P).

Plot Numbers acquired in village Baludih :

61(P), 136(P), 140, 141(P), 142(P), 143, 144, 145, 146, 147(P), 148(P), 149, 150(P), 151(P), 152, 153(P), 155(P), 156(P), 157, 158, 159, 160, 161, 162, 163, 164, 165(P), 166(P), 167, 168, 169, 170, 171(P), 172(P), 175(P), 176(P) and 178.

Plot numbers acquired in village Jatudih :

1(P), 2(P), 3(P), 4(P), 5(P) and 541(P).

BOUNDARY DESCRIPTION OF SUB-BLOCK-IV.

M-L-K : lines pass along the Western Boundary of plot nos. 61, 146, 145, 143, through plot nos. 142, 141, along the Northern boundary of plot Nos. 139, 137, through plot nos. 136, 165, along the part Southern Boundary of plot no. 166, through plot nos. 106, 156, in village Baludih, Southern and Western Boundary of plot no. 661, through plot no. 665 in village Bardubhi, through plot nos. 1, 541, along the Southern Boundary of plot no. 541 in village Jatudih and meet at point 'K'.

K-M : line passes through plot nos. 54, 3, 2, 1, in village Jatudih and through plot nos. 176, 175, 171, 172, 155, 153, 151, 150, 148, 147, 61 in village Baludih and meets at point 'M'.

[No. C2-20(16)/63].

RAM SAHAY, Under Secy

DELHI DEVELOPMENT AUTHORITY*New Delhi, the 10th August 1965*

S.O. 2566.—In pursuance of the provisions of sub-section (4) of Section 22 of the Delhi Development Act, 1957, the Delhi Development Authority has replaced at the disposal of the Central Government the land described in the schedule below for placing it at the disposal of the Land and Development Officer, Ministry of Works & Housing, Government of India, New Delhi for further transfer to Delhi Admn./ C.P.W.D. for construction of a Hospital for Mental Diseases at Shahdara.

SCHEDULE

Place of land measuring 16.98 acres bearing Khasra Nos. 317 min, 318 min.
17 17
situated in Jhilmila Tiharpur Estate.

The above piece of land is bounded as follows:—

NORTH:—Private land Mundali Village under D.C. Delhi.

SOUTH:—Kacha Road Dilshad Colony.

EAST:—318/17 min, D.D.A. Land.

WEST:—Boundry of the Mental Hospital.

[No. L. 2(66)60. Pt. II.]

R. K. VAISH, Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture) (I. C. A. R.)

New Delhi, the 29th July 1965

S.O. 2567.—In pursuance of Sub-Sections (e) and (f) of Section 4 of the Indian Oilseeds Committee Act, 1946 (9 of 1946), the Central Government hereby appoint the following persons as members of the Indian Central Oilseeds Committee, to represent the interests shown against each, for the period ending 30th September, 1965 or till the reorganisation of the Committee, whichever is earlier :—

Sl. No.	Name of Person	Sub-Section of Section 4 of the Indian Oilseeds Committee Act and interest represented.
1	The Economic Botanist (Oilseeds), Government of Uttar Pradesh, Kanpur.	Sub-section (e) representing Govt. of Uttar Pradesh.
2	Shri Lakshman Singh, 9, Nehru Road, Meerut.	Sub-Section (f) representing growers of oilseeds.
3	The Oilseeds Development Officer, Directorate of Agriculture, Bhopal.	Sub-Section (e) representing Govt. of Madhya Pradesh.
4	Chaudhary Suresh Chandra, Secretary, M.F. Young Farmers' Association, Gota-gaon (Distt. Narsingpur).	Sub-Section (f) representing growers of oilseeds of Madhya Pradesh.
5	Sri M. K. Mathi Gowder, Mathipalayam, Coimbatore.	Sub-Section (f) representing growers Madras State.

[No. 8-12/65-Com.III].

N. K. DUTTA, Under Secy.

(Department of Agriculture)

New Delhi, the 6th August 1965

S.O. 2568.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Ministry of Food and Agriculture (Recruitment to Technical Non-gazetted Class II and III Posts) Rules, 1959, namely:—

1. These rules may be called the Ministry of Food and Agriculture (Recruitment to Technical Non-gazetted Class II and III Posts) Amendment Rules, 1965.
2. In the Schedule to the Ministry of Food and Agriculture (Recruitment to Technical Non-gazetted Class II and III Posts) Rules, 1959, under the heading "Class III—Non-gazetted posts" for item 6 and the entries relating thereto the following item and entries shall be substituted, namely:—

1	2	3	4	5	6	7	8	9	10	11	12	13
'6. Technical Assistant (Soil Conservation)	4	G.C.S. Class III Non-gazetted ; Non-ministerial	Rs. 210—10— 290—15— 320—EB— 15—425.	Not applicable.	Below 30 years.	B. Sc. preferably a degree in Agriculture, Botany or Chemistry either with associateship from the Indian Agricultural Research Institute or 2 years experience in office work in a recognised scientific institution.	Not applicable.	Two years.	Direct recruitment.	Not applicable.	Not applicable.	Not applicable."
OR												
<i>Essential :—</i>												
Forest Rangers certificate from Forest College.												
<i>Desirable :—</i>												
About 2 years' experience in Forestry												
OR												
A degree or diploma in Civil or Agricultural Engineering.												

[No. 3-24/65-E. IV.]
V. P. L. TEJPAL, Under Secy.

(Department of Agriculture)*New Delhi, the 9th August 1965*

S.O. 2569.—In pursuance of rule 3A of the Animal Welfare Board (Administration) Rules, 1962, the Central Government, after consultation with the Animal Welfare Board, hereby nominates Shri G. R. Rajagopaul, Member, Animal Welfare Board, as Vice-Chairman of that Board.

[No. 19-14/65-LD.]

T. SRINIVASAN, Dy. Secy.

MINISTRY OF REHABILITATION**(Office of the Chief Settlement Commissioner)***New Delhi, the 12th August 1965*

S.O. 2570.—In exercise of the powers conferred by Sub-Section (i) of Section (6) of the Administration of the Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoints Shri R. S. Dhuri, Assistant Custodian in the office of the Regional Settlement Commissioner, Bombay, as Assistant Custodian for the State of Gujarat for the purpose of discharging the duties assigned to the Custodian of Evacuee Property by or under the said Act with effect from the date he takes over charge.

[No. 4(5)/AGZ/65.]

KANWAR BAHADUR,

Settlement Commissioner (A) and
Ex Officio, Dy. Secy.**MINISTRY OF EDUCATION***New Delhi, the 2nd August 1965*

S.O. 2571.—In exercise of the powers conferred by Sub-Section (2)(a) of Section 5 of the University Grants Commission Act, 1956, the Central Government hereby appoints Dr. D. S. Reddi, Vice-Chancellor, Osmania University, Hyderabad, as a member of the University Grants Commission vice Dr. A. C. Joshi, Vice-Chancellor, Punjab University, Chandigarh, who ceased to be a member of the Commission on account of the expiry of his term of Vice-Chancellorship of the Punjab University with effect from 1st July, 1965. The appointment will be for the residue of the term of Dr. A. C. Joshi i.e. upto the 29th January, 1966.

[No. F. 9-38/65-U2.]

G. K. CHANDIRAMANI, Addl. Secy.

New Delhi, the 10th August 1965

S.O. 2572.—In exercise of the powers conferred by sub-rule (2) of rule 11 clause (b) of sub-rule (2) of rule 14 and sub-rules (1) and (2) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Scientific Research and Cultural Affairs No. S.O. 2054, dated the 9th September, 1959, namely:—

In the Schedule to the said notification,—

- (1) in Part I General Central Service, Class II for the heading 'Department of Anthropology' and the entries relating thereto in columns

1 to 4, the following heading and entries shall respectively be substituted, namely:—

(1)	(2)	(3)	(4)
Anthropological Survey of India.	Director	Director	All
All posts			

”; and

- (ii) in Part II and Part III relating to ‘General Central Service, Class III. and ‘General Central Service, Class IV’ respectively, for the heading ‘Department of Anthropology’, the heading ‘Anthropological Survey of India’ shall be substituted.

[No. F. 1/14/65-SIII.]

S. K. SANYAL, Under Secy.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 7th August 1965

S.O. 2573.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad in the industrial dispute between the management of the United Commercial Bank Limited and their workmen which was received by the Central Government on the 29th July, 1965.

AWARD

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

In the matter of a Reference under Sec. 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE NO. 104 OF 1964

PARTIES:

Industrial dispute between the management of the United Commercial Bank Limited and their workmen.

PRESENT:

Shri Raj Kishore Prasad, M.A., B.L., *Presiding Officer.*

APPEARANCES:

For the Bank: Sarvashri R. V. Gobindan, Law Officer, and P. Jayaraman, Officer of the Bank.

For the Employees: 1. Shri Banaras Singh, President, United Commercial Bank Employees’ Union; also representing All India United Commercial Bank Staff Federation, and, All India Bank Employees’ Federation;

2. Sarvashri S. R. Bal, General Secretary, and S. G. DAS, Joint Secretary, All India United Commercial Bank Employees’ Federation; and

3. Sarvashri Tarakeshwar Chakravarty, Assistant Secretary and S. K. Ghosh, Member, Central Committee, All India Bank Employees’ Association.

STATE: West Bengal.

INDUSTRY: Bank

Dated, Camp: Calcutta, the 21st July, 1965.

AWARD

1. By its order No. 51(55)64-LR.IV, dated, the 26th August, 1964, the Government of India, Ministry of Labour & Employment, referred under Sec. 10(1)(d) of the Industrial Disputes Act, 1947, to this Tribunal for adjudication, an industrial dispute existing between the employers in relation to the United Commercial Bank Ltd., and their workmen in respect of the matters specified below:

“Whether having regard to the directions contained in the Award dated the 21st July, 1962 of the National Industrial Tribunal (Bank Disputes),

Bombay, published with the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2803, dated the 7th August, 1962, the quantum of bonus paid by the Management of the United Commercial Bank Limited to their workmen in respect of the year 1962 was inadequate? If so, to what relief are the workmen entitled?

2. On 20th July 1965 at Calcutta the above-mentioned representatives of the Bank appeared and filed two joint petitions of compromise dated 4th July 1965 signed by all the parties concerned and witnessed by two persons setting out the terms of settlement of workmen's claims for bonus for the years 1956 to 1964 (both the years inclusive) and also filed a petition signed by the Chief Accountant of the Bank stating that the workmen's demand for additional bonus for the year 1962, pending adjudication before the Tribunal, is also covered by the above settlement and prayed in their petition that the reference be disposed of in terms thereof.

3. As the Union's representatives were not present on 20th July 1965, I adjourned the matter for orders on 21st July 1965 and directed both parties to be present on 21st July 1965.

4. Today on 21st July 1965 the above-mentioned representatives of all the Unions were also present and, therefore, in presence of both parties' representatives the compromise petitions were taken up.

5. Two petitions were also filed. One on 20th July 1965 by the Bank and the other on 21st July 1965 by the All India Bank Employees' Association to the same effect.

6. I have read the terms of settlement embodied in the two petitions of compromise and in the two petitions and in my opinion they are fair and reasonable and in the interest of both the parties, and, therefore, I accept them and record the compromise.

7. The two compromise petitions are marked *Annexures "A" and "B"* and the petition of the Bank dated 17th July 1965 is marked *Annexure "C"* and the petition of the Union dated 21st July 1965 is marked *Annexure "D"*.

8. All the Unions' representatives and the Bank's representatives appeared and accepted the contents of the aforesaid four documents, Annexures "A" to "D" and all jointly and unanimously prayed that an award in terms thereof be passed.

9. The reference is accordingly disposed of in terms of the two compromise petitions, Annexures "A" and "B" and the two petitions Annexures "C" and "D" and an award in terms thereof is passed and these four documents, Annexures "A", "B", "C" and "D", are made parts of the award.

10. This is the award, which I make and submit to the Central Government.

DHANBAD.

Dated, the 21st July, 1965.

(Sd.) RAJ KISHORE PRASAD,
Presiding Officer,
Central Govt. Industrial Tribunal,
Dhanbad.

ANNEXURE 'A'

Memorandum of settlement arrived at by and between the Management of the United Commercial Bank Ltd. and the Workmen of the United Commercial Bank Ltd. represented by All India Bank Employees' Association in the matter of the claim for additional bonus for the years 1956 to 1964 (both the years inclusive).

PRESENT:

Representing the Management

1. Shri R. B. Shah, General Manager.

Representing the Association

1. Shri Prabhat Kar, General Secretary, All India Bank Employees Association.

2. Shri Sushil Ghosh, Member, Central Committee, All India Bank Employees Association.

3. Shri S. R. Bal, General Secretary, All India United Commercial Bank Employees Federation.

Short Recital of the case

The workmen of the United Commercial Bank Ltd., represented by All India Bank Employees' Association have made claims for additional bonus for the years 1956 to 1961. A dispute with regard to the adequacy of the amount paid by way of bonus to the workmen for the year 1962 raised by them has been referred by an order of the Government of India dated 26th August 1964 to the Central Government Industrial Tribunal at Dhanbad for adjudication and the same is pending. The workmen have been paid bonus for the years 1963 and 1964 which they have accepted under protest and have demanded higher bonus. The parties have felt that all the disputes relating to payment of bonus for the years 1956 to 1964 (both the years inclusive) should be amicably settled. After discussions between the parties, with a view to ensuring harmonious relationship between the Management and the employees leading to greater efficiency and benefit to both the parties the matter is settled amicably on the terms indicated hereunder and, further, in consideration of such settlement and of the Management agreeing to pay thereunder on an *ad hoc* basis an additional amount by way of bonus for the years 1956 to 1964 (both the years inclusive) which payment includes an *ad hoc* payment for the year 1962 as well, the aforesaid dispute relating to the year 1962 is also settled.

Terms of Settlement

1. It is agreed that this settlement has been entered into without prejudice to the Bank's contentions at law. It is further agreed that the employees accept the amount mentioned hereunder in full and final settlement of their claims for bonus for the years 1956 to 1964 (both the years inclusive) and undertake that they will not make any further demand or raise any dispute in respect of bonus for the aforesaid years.

2. It is further agreed that if in future a dispute is raised by any of the employees of the Bank with regard to payment of additional or any bonus for any or all of the years from 1956 to 1964 (both the years inclusive), it shall be open to the Bank to resist such a claim or claims on such grounds as are open to it including relevant provisions of the Bonus Award given by Mr. Justice K. T. Desai or the Banking Companies Act or any other law by which the matter may be governed.

3. The Management agrees to pay the following amounts by way of additional bonus in respect of the years 1956 to 1964 in addition to what has already been paid to employees as bonus relating to the aforesaid years:

Year	Bonus already paid	Additional Bonus payable as per this settlement.	Percentage of additional bonus payable to the amount already paid.
1	2	3	4
1956	6,57,815	1,31,563.00	20
1957	7,30,434	73,043.40	10
1958	7,93,967	79,396.70	10
1959	11,55,907	2,31,181.40	20
1960	12,94,208	2,58,841.60	20
1961	14,44,830	2,88,966.00	20
1962	19,80,830	1,88,178.85	9.5
1963	21,70,931	1,30,255.86	6
1964	23,97,844	1,43,870.64	6
Total	1,26,26,766	15,25,279.45	

4. The parties agree that the amount of additional bonus agreed to be paid under this settlement shall be payable at the same rates both to workmen and to non-workmen who were in the service of the Bank in the relevant years and that the allotment of the amounts made in the settlement for payment as additional bonus for the years in question includes the amount payable to the non-workmen staff.

Provided, however, that in case of an employee who at the date of this settlement is no longer in Bank service, such payment shall be effected to him or if he died earlier to his legal representative/representatives only on such employee or his legal representative/representatives making an application to the Bank within 12 months from the date of this settlement. The Bank will be at liberty to refuse to entertain any claim received on or after 4th July 1966.

5. The disbursement of bonus as per this settlement shall be made on or before 7th August 1965.

6. The parties agree that this settlement shall not be treated as a precedent or taken as the basis or govern the principles for the determination of bonus or the amount or rate of bonus in future years and shall not be admissible in evidence in any proceedings before any authority relating to bonus for any future years. The year 1965 and all subsequent years are future years within the meaning of this clause. This settlement, however, shall be final and binding on both the parties as regards the amount of bonus payable for the years 1956 to 1964, the qualification for eligibility and the procedure as set out hereinabove.

7. The All India Bank Employees' Association hereby undertakes on behalf of the All India United Commercial Bank Employees' Federation and other constituent units to file an application before the Central Government Industrial Tribunal, Dhanbad for withdrawal of the dispute relating to the bonus for the year 1962 within 15 days from the date of this settlement.

Dated this Fourth day of July 1965 at Calcutta.

For the Management of the United Commercial Bank Ltd.

(Sd.) R. B. SHAH,
General Manager,

For the All India Bank Employees' Association

(Sd.) PRABHAT KAR,

General Secretary,
All India Bank Employees' Association.

(Sd.) SUSHIL GHOSH,
Member, Central Committee,
All India Bank Employees' Association.

(Sd.) S. R. BAL,
General Secretary,
All India United Commercial Bank Employees' Federation.

Witnesses:

(1) V. R. DESAI,
Chief Accountant,
The United Commercial Bank Ltd.,
Calcutta-1.

(2) SAMIR KUMAR BASU,
C/o The United Commercial Bank Ltd.,
Calcutta-1.

Copy jointly forwarded to (1) The Regional Labour Commissioner (Central), Calcutta/Bombay/Madras/Kanpur/Jabalpur; (2) The Chief Labour Commissioner.

(General), 18, Gurdwara Rakabganj Road, Hutments, New Delhi; (3) The Secretary to the Government of India, Ministry of Labour and Employment, New Delhi.

For the All India Bank
Employees' Association:
(Sd.) PRABHAT KAR,
Gen. Secretary,
A.I.B.E.A.

(Sd.) SUSHIL GHOSH,
Member,
Central Committee,
A.I.B.E.A.

For the United
Commercial Bank Ltd.
(Sd.) R. B. SHAH,
General Manager.

(Sd.) S. R. BAL,
Gen. Secretary,
A:I:U:C:B:E.F.

ANNEXURE 'B'

Memorandum of settlement arrived at by and between the Management of the United Commercial Bank Ltd. and the Workmen of the United Commercial Bank Ltd. represented by All India Bank Employees Federation in the matter of the claim for additional Bonus for the years 1956 to 1964 (both the years inclusive).

PRESENT:

Representing the Management

Shri R. B. Shah, General Manager.

Representing the Federation

1. Shri V. N. Sekhri, General Secretary, All India Bank Employees' Federation.
2. Shri Deba Prosad Roy, General Secretary, All India United Commercial Bank Staff Federation.

Short Recital of the Case

The workmen of the United Commercial Bank Ltd. represented by All India Bank Employees Federation have made claims for additional bonus for the years 1956 to 1961. A dispute with regard to the adequacy of the amount paid by way of bonus to the workmen for the year 1962 raised by them has been referred by an order of the Government of India dated 26th August 1964 to the Central Government Industrial Tribunal at Dhanbad for adjudication and the same is pending. The workmen have been paid bonus for the years 1963 and 1964 which they have accepted under protest and have demanded higher bonus. The parties have felt that all the disputes relating to payment of bonus for the years 1956 to 1964 (both the years inclusive) should be amicably settled. After discussions between the parties, with a view to ensuring harmonious relationship between the Management and the employees leading to greater efficiency and benefit to both the parties, the matter is settled amicably on the terms indicated hereunder, and, further, in consideration of such settlement and of the Management agreeing to pay thereunder on an *ad hoc* basis an additional amount by way of bonus for the years 1956 to 1964 (both the years inclusive) which payment includes an *ad hoc* payment for the year 1962 as well, the aforesaid dispute relating to the year 1962 is also settled.

Terms of Settlement

1. It is agreed that this settlement has been entered into without prejudice to the Bank's contentions at law. It is further agreed that the employees accept the amount mentioned hereunder in full and final settlement of their claims for bonus for the years 1956 to 1964 (both the years inclusive) and undertake that they will not make any further demand or raise any dispute in respect of bonus for the aforesaid years.

2. It is further agreed that if in future a dispute is raised by any of the employees of the Bank with regard to payment of additional or any bonus for any or all of the years from 1956 to 1964 (both the years inclusive), it shall be

open to the Bank to resist such a claim or claims on such grounds as are open to it including relevant provisions of the Bonus Award given by Mr. Justice K. T. Desai or the Banking Companies Act or any other law by which the matter may be governed.

3. The Management agrees to pay the following amounts by way of additional bonus in respect of the years 1956 to 1964 in addition to what has already been paid to employees as bonus relating to the aforesaid years:

Year	Bonus already paid	Additional bonus payable as per this settlement	Percentage of additional bonus payable to the amount already paid
1	2	3	4
	Rs.	Rs./P	
1956	6,57,815	1,31,563.00	20
1957	7,30,434	73,043.40	10
1958	7,93,967	79,396.70	10
1959	11,55,907	2,31,181.40	20
1960	12,94,208	2,58,841.60	20
1961	14,44,830	2,88,966.00	20
1962	19,80,830	1,88,178.85	9.5
1963	21,70,931	1,30,255.86	6
1964	23,97,844	1,43,870.64	6
TOTAL	1,26,26,766	15,25,297.45	

4. The parties agree that the amount of additional bonus agreed to be paid under this settlement shall be payable at the same rates both to workmen and to non-workmen who were in the service of the Bank in the relevant years and that the allotment of the amounts made in the settlement for payment as additional bonus for the years in question includes the amount payable to the non-workmen staff:

Provided, however, that in case of an employee who at the date of this settlement is no longer in Bank service, such payment shall be effected to him or if he died earlier to his legal representative/representatives only on such employee or his legal representative/representatives making an application to the Bank within 12 months from the date of this settlement. The Bank will be at liberty to refuse to entertain any claim received on or after 4th July 1966.

5. The disbursement of bonus as per this settlement shall be made on or before 7th August 1965.

6. The parties agree that this settlement shall not be treated as a precedent or taken as the basis or govern the principles for the determination of bonus or the amount or rate of bonus in future years and shall not be admissible in evidence in any proceedings before any authority relating to bonus for any future years. The year 1965 and all subsequent years are future years within the meaning of this clause. This settlement, however, shall be final and binding on both the parties as regards the amount of bonus payable for the years 1956 to 1964, the qualification for eligibility and the procedure as set out hereinabove.

7. The All India Bank Employees Federation hereby undertakes on behalf of Bengal Bank Employees Federation, United Commercial Bank Employees' Union and its other constituent units to file an application before the Central Government Industrial Tribunal, Dhanbad, for withdrawal of the dispute relating to the bonus for the year 1962 within 15 days from the date of this settlement.

Dated this fourth day of July 1965 at Calcutta.

For The Management of the United Commercial Bank Ltd.,

Sd/- R. B. SHAH,
General Manager,

For The All India Bank Employees Federation.

Sd/- V. N. Sekhri

Sd/- Deba Prosad Roy

General Secretary,
All India Bank Employees' Federation.

General Secretary,
All India United Commercial
Bank Staff Federation.

Witnesses:

1. Sd/- V. R. DESAI
Chief Accountant,
The United Commercial Bank Ltd.,
Calcutta-1

2. Sd/- BANARAS SINGH, C/o United Commercial Bank Ltd., Burra Br., Calcutta.
Copy jointly forwarded to:

1. The Regional Labour Commissioner (Central),
Calcutta/Bombay/Madras/Kanpur/Jabalpur

2. The Chief Labour Commissioner (Central),
18, Gurdwara Rakabganj Road, Hutments,
New Delhi.

3. The Secretary to the Government of India,
Ministry of Labour and Employment,
New Delhi.

For The All India Bank Employees
Federation

For The Management of the
United Commercial Bank Ltd.

Sd/- V. N. SEKHRI,
General Secretary,
All India Bank Employees'
Federation.

Sd/- DEBA PROSAD ROY,
General Secretary,
All India United
Commercial Bank
Staff Federation.

Sd/- R. B. SHAH,
General Manager.

ANNEXURE "C"

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE NO. 104 OF 1964

In the matter of Industrial Dispute—vide Government of India, Ministry of
Labour and Employment reference dated 21st August 1964

BETWEEN

The Management of the United Commercial Bank Limited

AND

Their Workmen

Application on behalf of the United Commercial Bank Limited, 10, Brabourne
Road, Calcutta, hereinafter called the Bank.

1. The abovementioned dispute pending adjudication before the Hon'ble Tribunal
has now been amicably settled between the parties to the said dispute.

2. A settlement between the Management of the Bank and its workmen represented by the All India Bank Employees Association has been signed on 4th July 1965, in respect of payment of additional bonus for the years 1956 to 1964 (both the years inclusive) in full and final settlement of the claims of the workmen for additional bonus for these years, which includes payment of additional bonus for the year 1962 as well. A similar settlement has also been signed between the Management of the Bank and its workmen represented by the All India Bank Employees' Federation on the same date. A signed copy each of the said Memoranda of Settlement dated 4th July 1965 are filed herewith and marked as Exhibits 1 and 2.

3. It is respectfully submitted that the workmen's demand for additional bonus for the year 1962, pending adjudication before this Hon'ble Tribunal, is also covered by the above settlement and as such the said settlement be taken on record of the present reference pending before this Hon'ble Tribunal.

It is, therefore, prayed that in the aforesaid premises this Hon'ble Tribunal be pleased to dispose of this reference, viz., Reference No. 104 of 1964, as having been settled and no longer surviving.

For The United Commercial Bank Ltd.
(Sd.) V. R. DESAI, Chief Accountant.

10, Brabourne Road,
Calcutta-1,
Dated 17th July, 1965.

ANNEXURE "D"

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD
at 1, Council House Street, Calcutta.

REFERENCE No. 104 OF 1964

In the matter of an Industrial Dispute between the management of the United Commercial Bank Ltd. and their workmen represented by All India Bank Employees Association over the payment of bonus for the year 1962.

Application on behalf of the All India Bank Employees Association hereinafter referred to as "the Association."

The applicant abovenamed begs to submit:—

1. That the management of the United Commercial Bank Ltd., and their workmen represented by the Association have settled the outstanding disputes for payment of additional bonus for the years 1956 to 1964 (inclusive) and a memorandum of settlement dated the 4th July, 1965, has been duly entered into and signed by both the parties.

2. That the above memorandum of settlement covers the claim for additional bonus for the year 1962 which is the subject matter in the above reference.

3. That a true copy of the memorandum of settlement duly signed by Shri R. B. Shah, General Manager of the Bank, for the management and Sarvashri (1) Prabhat Kar, General Secretary, All India Bank Employees Association, (2) Sushil Ghosh, Member, Central Committee All India Bank Employees Association, and (3) S. R. Bal, General Secretary, All India United Commercial Bank Employees Federation, for the workmen, is being filed herewith.

4. The applicant, therefore, prays that in the aforesaid premises this Hon'ble Tribunal be pleased to receive on record the said agreement and dispose of the reference in terms thereof.

Signed at Calcutta this 21st day of July, 1965.

For and on behalf of
All India Bank Employees Association
TARAKESHWAR CHAKRABORTI, Asstt. Secy.
[No. F.51(55)/64-LRIV.]

New Delhi, the 10th August 1965

S.O. 2574.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following Award of the Industrial Tribunal Bombay in respect of complaint under section 33A and application under section 33(2) of the said Act filed by Shri Jeomal Mulomal, and Shri Sadhumal Prabhmal respectively employees of Bombay Port Trust, Bombay which was received by the Central Government on 31st July, 1965.

BEFORE SHRI M. R. MEHER, CENTRAL INDUSTRIAL TRIBUNAL, BOMBAY.

COMPLAINT (IT-CG) No. 1 of 1965

IN

REFERENCE (IT-CG) No. 7 of 1964

Shri Jeomal Mulomal, Block No. C-51, R. No. 102, Ulhasnagar.—*Complainant*.

Versus

The Trustees of the port of Bombay—*Respondent*.

AND

APPLICATION (IT-CG) No. 3 of 1965

IN

REFERENCE (IT-CG) No. 7 of 1964

The Trustees of the port of Bombay—*Applicant*

Versus

- | | |
|---|---------------------|
| (1) Shri Sadhumal Prabhmal, Dist. Thana | } <i>Opponents.</i> |
| (2) Shri Jeomal Mulomal, Dist. Thana. | |

In the matter of complaint and application under section 33 of the Industrial Disputes Act.

APPEARANCES:

Shri M. R. S. Captain, Legal Adviser with Shri S. R. Shetty, Dy. Legal Adviser, for the Bombay Port Trust.

Shri R. J. Hingorani, Advocate for the complainant and opponent No. 2.

Shri Sadhumal Prabhmal in person.

AWARD IN COMPLAINT

ORDER IN APPLICATION

These two matters are connected Application No. 3 in Reference No. 7 of 64 is for approval of the action taken by the Port Trust authorities in dismissing the opponents. Complaint No. 7 of 1965 is by one of the opponents Jeomal Mulomal against the Port Trust for holding the dismissal void and asking for reinstatement. The facts appearing from the record are as follows: The opponents were working in the Docks as mazdoors. It was alleged that they assaulted Shri G. M. Velankar, Labour Supervisor while he was on duty at about 1.15 p.m. at No. 3 Alexander Dock on 2nd December 1964. The Supervisor bled profusely and was taken to St. George's Hospital. The opponents were chargesheeted for this under section 110 of Bombay Police Act. They pleaded guilty and were fined Rs. 3 cash, in default 2 days simple imprisonment. Under the Rules the opponents were liable for dismissal for an offence involving moral turpitude. They were given show cause notice and dismissed. A copy of the judgement of the Magistrate convicting them has been produced.

2. Opponent Sadhumal who has appeared in person has filed a written statement in which he has stated that in the course of dispute with the Labour Supervisor the latter held up his hand, and he (Sadhumal) caught the hand of the Supervisor to prevent the assault. He admits he was fined Rs. 3 by the Magistrate. The section (110) under which he was convicted makes it punishable to behave indecently or in a disorderly manner in a place of public resort or in any office, station or station house. There is no doubt that the action of Sadhumal in assaulting his supervisor so as to cause bleeding was an offence involving moral turpitude for which he was rightly dismissed. The action taken by the Port Trust authorities is approved.

3. In the complaint filed by the other opponent Jeomal, it is stated that there was a contravention of section 33 as the application for approval was filed after considerable delay of over 2 months. The Port Trust authorities have explained that the order of dismissal was not final but liable to be set aside by the Chairman

of the Port Trust. That application to the Tribunal could not be filed early as the members of the family of the opponent Jeomal approached the Docks Manager to reconsider the order, that the Docks Manager reconsidered the matter and put the case to the Chairman for reconsideration, but the Chairman passed order that there was no good reason for setting aside the dismissal and that approval of the Tribunal should be applied for. Thereafter the approval was applied for. The Port Trust has relied on a decision of the Calcutta High Court in *Metal Press Works Ltd. V. Deb* (1962 L.L.J. Vol. I page 75 at pages 79 and 80) where it was held, relying on a Supreme Court decision that in such inquiries the Tribunal can treat an application out of time as a valid application if it is satisfied that on the merits there is a case in favour of the employer and against the employee. In such case the delay may be treated as mere technical breach. A similar view had been taken in the case of *Associated Cement Company v. Industrial Tribunal by the Rajasthan High Court* (1959 L.L.J. Vol. II 810 at page 821): Shri Hingorani who has appeared for the complainant Jeomal did not dispute the correctness of these submissions by the representative of the Port Trust, but he stated that he questioned the dismissal on its merits only. He took only the following points (a) the conviction was bad as the statements of the accused was not taken as required by section 342 Criminal Procedure Code (b) the judgement does not make the facts clear (c) the conviction did not involve moral turpitude (d) no departmental inquiry was held to prove the charge. I am unable to accept these contentions. The Tribunal can not go behind the conviction. This was a summons case and on the accused pleading guilty the Magistrate was entitled to convict the accused on his plea and there was no need to take further statement under section 342 of the Criminal Procedure Code. In this judgement all the facts are not set out. It is however clear from the record in this case that both the accused were charged with assaulting their Supervisor at Alexandra Dock. This was an offence involving moral turpitude. As there was a conviction there was no need to hold any further departmental inquiry into the correctness of the allegations against the two accused. The action taken by the Port Trust authorities in dismissing the opponent Jeomal is approved and his complaint is dismissed.

Bombay, 22nd July 1965.

Sd./- M. R. MEHER,
Industrial Tribunal.
[No. 28(26)/64-LRIV.]

S.O. 2575.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in respect of an industrial dispute between the management of the Bank of Baroda Limited and their workmen which was received by the Central Government on the 5th August, 1965.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY

REFERENCE No. C.G.I.T. 20 of 1964.

Employers in relation to the Bank of Baroda Limited
AND
Their workmen.

PRESENT:

Shri Salim M. Merchant.—*Presiding Officer,*

For the Bank of Baroda Limited.—Shri R. Setlur, Solicitor of Messrs Crawford Bayley and Co., instructed by Shri N. R. Pandit Secretary, Labour Secretariat of Banks in INDIA.

For All India Bank Employees' Association.—Shri K. K. Mundul, Vice President.

For All India Bank Employees' Federation.—Shri C. L. Dudhia, Bar-at-Law.

For all India Bank of Baroda Employees' Federation.—Shri H. K. Sowani, Advocate, with Shri M. Rajgopal, General Secretary.

Dated this 2nd day of August, 1965.

INDUSTRY: Banking.

STATE: Maharashtra.

AWARD

The Central Government by the Ministry of Labour and Employment's Order No. 51(1)/64-LRIV dated 3rd February, 1964, made in exercise of the powers conferred by clause (d) of sub-section 1 of section 10 of the Industrial Disputes Act

1947 (Act 14 of 1947) was pleased to refer the industrial disputes between the parties above named in respect of the subject matters specified in the following schedule to the said order to me, for adjudication.

SCHEDULE

Whether having regard to the directions contained in the award dated the 21st July, 1962, of the National Industrial Tribunal (Bank Disputes), Bombay published with the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2603, dated the 7th August, 1962, the management of the Bank of Baroda was justified in declaring Bonus to their workmen for the year 1962 at the rate of two months' and five days' basic pay or 18 per cent of the annual basic pay? If not to what quantum of Bonus are the workmen entitled?"

After the Bank and the Federation representing the workmen had filed their written statements, the All India Bank Employees' Association by its application dated 15th July 1965 submitted that it had reached a settlement with the Bank in respect of the demand for bonus for 1962 and prayed that the dispute be disposed of and settled. The Bank by its application dated 12th July 1965 submitted that by three separate agreements each dated 24th June, 1965 entered into by it with the All India Bank Employees Federation, the All India Bank of Baroda Employees' Federation and the All India Bank Employees' Association, (copies of which it annexed to its application), the parties had settled the demand for additional bonus for the years 1956 to 1964, including the claim for bonus for 1962 which forms the subject matter of this dispute. A copy of the Bank's said application dated 12th July, 1965, with copies of the said three agreements dated 24th June, 1965, are annexed hereto and marked "Annexure 'A' Collectively". The Bank and the three Federations have prayed that the dispute under reference be disposed of as settled. It is clear from a perusal of the settlements entered into by the Bank with the said three Federations, which represent its workmen, that the dispute under reference relating to bonus for the year 1962, has been mutually settled, and that the settlement is *bona fide* and in the interest of industrial peace

I therefore, as deserved by the parties, dispose of the dispute as settled in terms of annexure 'A' hereto.

No order as to costs.

Sd./- SALIM M. MERCHANT,
Presiding Officer.

ANNEXURE 'A'

BEFORE MR. SALIM M. MERCHANT, PRESIDING OFFICE INDUSTRIAL TRIBUNAL BOMBAY.

REF. No. CGIT. 20 OF 1964 (REGARDING BONUS FOR THE YEAR 1962)

BETWEEN

The Bank of Baroda Ltd.

AND

Its Workmen.

May it please the Honourable Tribunal.

The Bank states that the settlements have been arrived on 24th June, 1965 between the Bank and the All India Bank of Baroda Employees' Federation, the All India Bank Employees' Federation and the All India Bank Employees' Association regarding the claim for additional bonus for the year 1956 to 1964 including the bonus for 1962 which is pending adjudication before the Honourable Tribunal. A copy each of the Settlement is placed below.

The Bank prays that the Honourable Tribunal may be pleased to take copies of the Settlements on record and to dispose of the above reference in regard to the payment of Bonus for the year 1962 in terms of the Settlements.

Copies of this application have been forwarded to the opposite parties.

Dated at Bombay this 12th day of July, 1965.

For the Bank of Baroda Ltd.

Sd./-
Assistant Manager.

Memorandum of Settlement

Representing Employers.—Shri Maganbhai G. Parikh, Deputy General Manager, The Bank of Baroda Ltd., Apollo Street, Fort, Bombay-1.

Representing Employees.—Shri O. P. Nigam, Joint Secretary, All India Bank Employees' Federation and Shri K. A. Pandya, Member, National Executive, All India Bank Employees' Federation.

Short Recital of the Case

The claims of the workmen represented by the All India Bank Employees' Federation (hereinafter referred to as the A.I.B.E.F.) in respect of additional Bonus to the workmen of the Bank of Baroda, Ltd., for the years '56 to '61 are pending consideration before the Chief Labour Commissioner (Central), New Delhi. The Government of India by its Order dated the 3rd February, 1964, referred the dispute regarding bonus to the workmen for the year 1962 to the Central Government Industrial Tribunal at Bombay, which is pending adjudication. The employees of the Bank have been paid certain bonus for the years 1963 and 1964 but a demand has been made for payment of additional bonus.

The parties had therefore mutual discussions with a view to arriving at an overall settlement with regard to the claims for additional bonus for the years to 1964. After prolonged discussions with a view to ensuring harmonious relationship between the Management and the employees, the matter was settled amicably on the following terms.

Terms of Settlement

1. It is agreed that this Settlement has been arrived at without prejudice to the Bank's and AIBEF's contentions.

2. As per the formulae agreed upon by the parties, the Bank agrees to pay and the workmen represented by the AIBEF agree to accept in full and final settlement of all claims for bonus an aggregate sum not exceeding Rs. 15,00,000 (Rupees fifteen lacs only) by way of additional bonus for the years 1956 to 1964 (both inclusive) for among all employees of the Bank who worked distribution during the relevant years in the Bank's offices in India and who have received bonus for all or any of the years from 1956 to 1964, at the following rates:—

(a) For the years to 1956 to 1963 additional bonus equivalent to 13 per cent of the bonus already paid (excluding the bonus of one month's salary paid for 1958 on account of the Bank's Golden Jubilee and special pay paid as bonus in the year 1956 to 1957).

(b) For the year 1964, additional bonus equivalent to 1-1/4 per cent of the bonus already paid for the year.

3. Additional bonus as stated in the preceding clause shall be paid to each employee in India who has been in the service of the Bank during any or all of the relevant years as the case may be, provided that in case any employee who on the date of this Settlement is no longer in the Bank's service, such payment shall be effected to him or if he should have died earlier, to his legal representative(s) on such employee or his legal representative(s) making an application to the Bank within twelve months from the date of this Settlement.

4. It is clearly understood that the special pay paid in the years 1956 and 1957 and the Golden Jubilee bonus of one month paid for 1958 will not be treated as bonus paid in the relevant years, for the purpose of this Settlement.

5. The parties agree that the employees of the former Hind Bank Ltd., The New Citizen Bank of India Ltd., The Surat Banking Corporation Ltd., The Ombergan Peoples Bank (Pvt.) Ltd., and the Tamilnad Central Bank Ltd., who are in the bank's service on the date of this Settlement and who might have ceased to be in the service after respective dates of amalgamation of the above Bank with the Bank of Baroda Ltd., will receive additional Bonus if any payable on the basis set out in Clause (2) above only in respect of the years or a part thereof of their service in the Bank of Baroda Limited, on amalgamation of the aforesaid Banks with the Bank of Baroda Ltd.

6. The procedure set out in Clause (3) above in regard to the claims by employees who are not in the Bank's employment on the date of this Settlement or who might have died earlier shall apply to employees of the former Hind Bank Limited, the New Citizen Bank of India Ltd., The Surat Banking Corporation Ltd., The Ombergan Peoples Bank (Private) Ltd., and The Tamilnad Central Bank Limited, also.

7. The disbursement of additional bonus as per this settlement shall be made as expeditiously as possible but in any event not later than 30th July, 1965.

8. The parties hereby undertake to file an application on or before 15th July, 1965 before the Central Government Industrial Tribunal at Bombay, Shri Salim M. Merchant for disposal of the reference pending before it in regard to the payment of additional bonus for the year 1962 in terms of this Settlement.

9. The parties agree that this Settlement and the formulae on which this Settlement is based shall not be treated as a precedent or taken as the basis or govern the principle for the determination of bonus in future, but nevertheless this Settlement will be final and binding on the parties as regards the amount of bonus payable for the years 1956 to 1964 (both inclusive), qualifications for eligibility and procedure regarding payment being as set out hereinabove.

10. The AIBEF hereby undertakes to withdraw the claim for additional bonus for the relevant years mentioned above, pending before the Chief Commissioner (Central), New Delhi.

Signatures of Parties

Representing the Bank of Baroda Limited.

Sd./- (M. G. PARIKH),
Deputy General Manager.

Representing the All India Bank
Employees Federation.

Sd./- (O. P. NIGAM),
All India Bank Employees' Fed.

Sd./- (K. A. PANDYA),
Member, National Executive Com-
mittee, The All India Bank Em-
ployees' Federation.

Witnesses:—

(1) Sd./-

(2) Sd./-

Dated at Bombay this 24th day of June, 1965.

Memorandum of Settlement

Presenting Employers.—1. Shri Maganbhai G. Parikh, Deputy General Manager, The Bank of Baroda Ltd., Apollo Street, Fort, Bombay-1.

Representing Employees.—1. Shri Natwarlal C. Shah, President, and Shri M. Rajagopal, General Secretary, All India Bank of Baroda Employees' Federation (Central Office), Apollo Street, Fort, Bombay-1.

Short Recital of the Case

The All India Bank of Baroda Employees' Federation (hereinafter, referred to as the Federation) by its letter No. 6/47/63-64 dated the 8th December, 1964 represented to the Bank that disputes relating to demand for additional Bonus for the years 1956-63 raised by it and workmen represented by it should be amicably settled. The Federation pointed out that in view of the fact that a climate for amicable settlement of disputes existed in the Banking Industry and in view of the need for industrial peace, sincere efforts should be made to settle the long-standing disputes in the matter. The Federation mentioned that the dispute raised by it for payment of additional Bonus for the year 1962 in terms of the Desai Award on Bonus was pending before the Central Government Industrial Tribunal at Bombay, Shri Salim M. Merchant, by virtue of a reference made in that behalf by the Government of India, Ministry of Labour and Employment, order S.O. No. 51(1)/64-LR IV dated 3rd February, 1964.

Subsequent to the above representation, the parties had several joint meetings with a view to arriving at an overall settlement with regard to the disputes including the dispute relating to Federation's demand for payment of additional Bonus for the year 1964. In the course of the discussions, the Federation furnished

to the Bank detailed statements indicating the available surplus as per its interpretation of the Desai Award on Bonus and claim that the Bonus already paid by the Bank for the years 1956—64 (excluding additional Bonus paid in the years 1956 and 1957 and the Golden Jubilee Bonus of one month for 1958) falls very short of that portion of available surplus which the Federation claimed as justly payable to the employees. The Bank contended that it had paid more than 65 per cent of the available surplus calculated in terms of the provision of the Desai Award on Bonus and hence the payment already made was generous. However, in order to end the disputes in the matter, the Bank agreed to consider the representation made by the Federation. After several meetings, the parties arrived at a settlement on the following terms.

Terms of Settlement

1. It is agreed that this settlement has been arrived at without prejudice to the Bank's and the Federation's contentions.

2. As per the formula agreed upon by the parties, the Bank agrees to pay and the Federation accepts in full and final settlement of all claims for Bonus, an aggregate sum not exceeding Rs. 15,00,000 (Rupees fifteen lacs only) by way of additional Bonus for the years 1956 to 1964 (both inclusive) for distribution among all employees of the Bank who worked during the relevant years in Bank's offices in India and who have received Bonus for all or any of the years from 1956 to 1964, at the following rates:

(a) For the years 1956 to 1963 additional Bonus equivalent to 13 per cent of the Bonus already paid (excluding the Bonus of one month's salary on account of the Bank's Golden Jubilee and special pay paid as Bonus in years 1956 and 1957).

(b) For the year 1964, additional Bonus equivalent to 1.1/4% of the Bonus already paid for the year.

3. Additional Bonus as stated in the preceding clause shall be paid to each employee in India who has been in the service of the Bank during any or all of the relevant years as the case may be, provided that in case any employee who on the date of this settlement is no longer in the Bank's service, such payment shall be effected to him or if he should have died earlier, to his legal representative(s) on such employee or his legal representative(s) making an application to the Bank within twelve months from the date of this settlement.

4. It is clearly understood that the special pay paid as additional Bonus in the years 1956 and 1957 and the Golden Jubilee Bonus of one month for 1958 will not be treated as Bonus paid in the relevant years, for the purposes of this settlement.

5. The parties agree that the employees of the former Hind Bank Ltd., The New Citizen Bank of India Ltd., The Surat Banking Corporation Ltd., The Umbergaon Peoples Bank (Private) Ltd., and The Tamilnad Central Bank Ltd., who are in the Bank's service on the date of this settlement and who might have ceased to be in the service after the respective dates of amalgamation of the above Banks with the Bank of Baroda Ltd., will receive additional Bonus, if any, payable on the basis set out in clause two above only in respect of the years or a part thereof of their service in the Bank of Baroda Ltd., on amalgamation of the aforesaid Banks with the Bank of Baroda Ltd.

6. The procedure set out in clause three above in regard to the claims by employees who are not in the Bank's employment on the date of this settlement or who might have died earlier shall apply to employees of the former Hind Bank Ltd., The New Citizen Bank of India Ltd., The Surat Banking Corporation Ltd., The Umbergaon Peoples Bank (Private) Ltd., and The Tamilnad Central Bank Ltd., also.

7. The disbursement of additional Bonus as per this settlement shall be made as expeditiously as possible but in any event not later than 30th July, 1965.

8. The parties hereby undertake to file an application on or before 15th July, 1965 before the Central Government Industrial Tribunal, at Bombay, Shri Salim M. Merchant, for disposal of the reference pending before it in regard to the payment of additional Bonus for the year 1962 in terms of this settlement.

9. The parties agree that this settlement and the formula on which this settlement is based shall not be treated as a precedent or taken as the basis or govern the principle for the determination of Bonus in future, but nevertheless this settlement will be final and binding on the parties as regards the amount of Bonus

payable for the years 1956 to 1964 (both inclusive), qualifications for eligibility and procedure regarding payment being as set out hereinabove.

Dated 24th day of June, 1965 at Bombay.

Signatures of Parties

Witnesses:	Representing the Bank of Baroda Limited	Representing the All India Bank of Baroda Employees' Federation
	Sd/-	Sd/-
1. S. H. BEDEKAR.	MANGANBHAI G. PARIKH, Dy. General Manager.	1. NATWARLAL C. SHAH, President.
2. M. R. BHATT.		2. M. RAJAGOPAL, General Secretary.

Memorandum of Settlement

Representing the Employer.—Shri Maganbhai G. Parikh, Deputy General Manager, The Bank of Baroda, Ltd., Appollo Street, Fort, Bombay.

Representing the Employees.—(1) Shri H. L. Parwana, Secretary, The All India Bank Employees' Association.

(2) Shri Tarakeshwar Chakravarty Assistant Secretary, The All India Bank Employees' Association.

Short Recital of the Case

The claims of the workmen represented by the All India Bank Employees' Association (hereinafter referred to as the AIBEA) in respect of additional bonus to the staff of the Bank of Baroda, Ltd., for the years 1956 to 1961 are pending consideration before the Chief Labour Commissioner (Central), New Delhi. The Government of India, in the Ministry of Labour and Employment, by its notification dated 3rd February 1964, referred the dispute regarding bonus to the workmen for the year 1962 to the Central Government Industrial Tribunal at Bombay, which is pending adjudication. The employees of the Bank have been paid certain bonus for the years 1963 and 1964 but a demand has been made for the payment of additional bonus.

The parties therefore had several meetings between themselves with a view to arriving at an overall settlement with regard to the claims for additional bonus for the years 1956 to 1964. After prolonged discussions, the matter was settled amicably on the following terms.

Terms of Settlement

1. It is agreed that this settlement has been arrived at without prejudice to the Bank's and AIBEA's contentions.

2. As per the formulae agreed upon by the parties, the Bank agrees to pay and the workmen represented by the AIBEA agree to accept in full and final settlement of all claims for Bonus, an aggregate sum not exceeding Rs. 15,00,000/- (Rupees fifteen lacs only) by way of additional bonus for the years 1956 to 1964 (both inclusive) for distribution among all employees of the Bank who worked during the relevant years in Bank's offices in India and who have received bonus for all or any of the years from 1956 to 1964, at the following rates:

- (a) For the years 1956 to 1963 additional bonus equivalent to 13% of the Bonus already paid (excluding the bonus of one month's salary on account of the Bank's Golden Jubilee and the special pay paid as bonus in the years 1956 and 1957).

(b) For the year 1964, additional bonus equivalent to 1.1/4% of the bonus already paid for the year.

3. Additional bonus as stated in the preceding clause shall be paid to each employee in India who has been in the service of the Bank during any or all of the relevant years as the case may be, provided that in case any employee who on the date of this settlement is no longer in the Bank's service, such payment shall be effected to him or if he should have died earlier to his legal representative(s) on such employee or his legal representative(s) making an application to the Bank within twelve months from the date of this settlement.

4. It is clearly understood that the special pay paid as additional bonus in the years 1956 and 1957 and the Golden Jubilee bonus of one month for 1958 will not be treated as bonus paid in the relevant years, for the purpose of this Settlement.

5. The parties agree that the employees of the former Hind Bank Limited, The New Citizen Bank of India Limited, The Surat Banking Corporation Limited, The Umbergaon Peoples Bank (Private) Limited, and The Tamilnad Central Bank Limited, who are in the Bank's service on the date of this settlement and who might have ceased to be in the Bank's service after the respective dates of amalgamation of the above Banks with the Bank of Baroda, Limited will receive additional bonus if any payable on the basis set out in clause (2) above only in respect of the years of a part thereof of their service in the Bank of Baroda Limited on amalgamation of the aforesaid Banks with the Bank of Baroda Limited.

6. The procedure set out in clause (3) above in regard to the claims by employees who are not in the Bank's employment on the date of this settlement or who might have died earlier shall apply to employees of the former Hind Bank Limited, the New Citizen Bank of India Limited, the Surat Banking Corporation Limited, the Umbergaon Peoples Bank (Private) Limited, and the Tamilnad Central Bank Limited also.

7. The disbursement of additional bonus as per this Settlement shall be made as expeditiously as possible but in any event not later than 30th July 1965.

8. The parties hereby undertake to file an application on or before 15th July, 1965 before the Central Government Industrial Tribunal at Bombay, Shri Salim M. Merchant for disposal of the Reference pending before it in regard to the payment of additional bonus for the year 1962 in terms of this Settlement.

9. The parties agree that this Settlement and the formulae on which it is based shall not be treated as a precedent or taken as the basis or govern the principle for the determination of Bonus in future, but nevertheless this Settlement will be final and binding on the parties as regards the amount of bonus payable for the years 1956 to 1964 (both inclusive), qualifications for eligibility and procedure regarding payment being as set out hereinabove.

10. The AIBEA hereby undertakes to withdraw its claim for additional bonus for the relevant years mentioned above, pending before the Chief Labour Commissioner (Central) New Delhi.

Signatures of Parties

Representing the Bank of Baroda Ltd.

Sd/-

Representing the All India Bank
Employees' Association

Sd/-

H. L. PARWANA,
Secretary

Sd/-

TARAKESWAR CHAKRABORTY,
Assistant Secretary.

Witnesses:—

(1) Sd/-

(2) Sd/-

Dated at Bombay this 24th Day of June 1965.

S.O. 2576.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad in the industrial dispute between the management of the Netherlands Trading Society and their workmen which was received by the Central Government on the 4th August, 1965.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT
DHANBAD**

In the matter of a Reference Under Section 10(1)(d) of the Industrial Disputes Act 1947.

REFERENCE No. 31 OF 1964

PARTIES:

Management of the Netherlands Trading Society

AND

Their workmen.

PRESENT:

Shri Raj Kishore Prasad, M.A., B.L.,—*Presiding Officer.*

APPEARANCES:

For the Employers: Sarvashri H. L. L. M. Van Hal, Sub-Manager; and, B. Van Der Kwast, Accountant, Calcutta Branch of the Bank.

For the Employees: Sarvashri (1) S. C. Sarker, Secretary, Netherlands Trading Society (Calcutta) Employees Union, Calcutta; (2) V. P. Nair, Secretary General, Bank of the Netherlands Employees' Union, Bombay; and, (3) Tarkeshwar Chakravorty, Assistant Secretary, All India Bank Employees' Association, with its Head Quarters at Delhi, 20, Strand Road, Calcutta-1.

STATE: West Bengal.

INDUSTRY: Bank.

Camp: Calcutta, dated the 27th July, 1965

AWARD

By its Order No. 51(40)/64-LRIV, dated, the 26th June, 1964, the Government of India, Ministry of Labour and Employment, referred under Section 10(1)(d) of the Industrial Disputes Act, 1947, to this Tribunal for adjudication, an industrial dispute existing between the employers in relation to the Netherlands Trading Society (now called Algemene Bank Nederland N.V.) and their workmen in respect of the matters specified below:

SCHEDULE

"Whether having regard to the directions contained in the Award dated the 21st July, 1962 of the National Industrial Tribunal (Bank Disputes), Bombay, published with the notification of the Government of India, in the Ministry of Labour and Employment No. S.O. 2603, dated the 7th August, 1962, the quantum of bonus paid by the management of the Netherlands Trading Society to their workmen in respect of the year 1962 was inadequate? If so, to what relief are the workmen entitled?"

2. On 27th July 1965, after two adjournments granted at the request of both parties, the above named representatives of the Employers and of all the Unions concerned in the dispute under reference, filed a joint compromise petition, which is marked Annexure "A", and all of them signed the said compromise petition, Annexure "A", in Court in presence of the Tribunal and all of them accepted the terms of the compromise and jointly prayed that an award be passed in terms of it.

3. All the parties, however, desired to be noted that in view of this compromise for the years 1956 to 1964 (both years inclusive), no application envisaged by Para 5 of the compromise petition, has now to be filed regarding the bonus for 1962, as the present compromise itself settles the dispute regarding the quantum of bonus for the year 1962 also, and, therefore, para 5 has now become infructuous and accordingly to that extent only the compromise, with the consent and at the request of all the parties concerned, stood modified.

4. I have read the terms of the compromise petition Annexure "A" and, in my opinion, they are fair and reasonable and, therefore, I accept them and record the compromise.

5. The reference is accordingly disposed of in terms of the compromise petition Annexure "A" and an award in terms of it is passed and the compromise petition, Annexure "A", is made a part of the award.

6. This is the award which I make and submit to the Central Government under Section 15 of the Act.

CAMP: Calcutta,

Sd/- RAJ KISHORE PRASAD,

The 27th July, 1965.

Presiding Officer,
Central Government Industrial Tribunal,
Dhanbad.

ANNEXURE "A"

Memorandum of Settlement

Representing the employer: (1) H.L.L.M. van Hal, Sub-Manager, Calcutta branch
(2) B. van der Kwast, Accountant, Calcutta branch

Representing the workmen: (1) S. C. Sarker, Secretary, Netherlands Trading Society (Calcutta) Employees Union, Calcutta

(2) V. P. Nair, Secretary General Bank of the Netherlands Employees Union, Bombay

Short recital of the case

The claims of the workmen represented by the General Bank of the Netherlands Employees' Union, Bombay and the Netherlands Trading Society (Calcutta) Employees' Union Calcutta, in respect of additional bonus to the local staff of the Algemene Bank Nederland N. V. (General Bank of the Netherlands) (formerly known as Nederlandsche Handel-Maatschappij, N. V. (Netherlands Trading Society) for the accounting years 1956 upto and including 1961 are pending consideration before the Chief Labour Commissioner (Central), New Delhi. The Government of India by its Order dated the 26th June, 1964 referred the dispute regarding bonus to the workmen for the accounting year 1962 to the Central Government Industrial Tribunal at Dhanbad, which is pending adjudication. The employees of the Bank have been paid certain bonus for the accounting years 1963 and 1964, but a demand has been made for payment of additional bonus for those years.

The parties had therefore mutual discussions with a view to arriving at an overall settlement with regard to the claims for additional bonus for the accounting years 1956 upto and including 1964. After prolonged discussions, the matter was settled amicably on the following terms.

Terms of Settlement

1. It is agreed that this Settlement has been entered into without prejudice to the Bank's contentions at law. It is further agreed that if in future a dispute is raised by any of the employees of the Bank with regard to the payment of additional or any bonus for any or all of the accounting years 1956 to 1964 (both inclusive) it shall be open to the bank to resist such a claim or claims on such grounds as are open to it including the relevant provisions of the Bonus Award given by Mr. Justice K. T. Desai or the Banking Companies Act or the Payment of Bonus Ordinance 1965 or any other law by which the matter may be governed.

2. It is agreed that an additional bonus of an amount equal to 17½% (say seventeen and one half per cent.) of the annual bonus already paid in respect of each of the Accounting years 1956 to 1961 (both inclusive) plus 17% (say seventeen per cent.) of the basic salaries (excluding special and officiating allowances) paid in each of the accounting years 1962 to 1964 (both inclusive) less the amount of bonus paid in respect of the accounting years 1962 to 1964 (both inclusive) shall be payable, in full and final settlement of all claims for the accounting years 1956 to 1964 (both inclusive), to each employee (whether workman or non-workman) in India and in service of the Bank during the years 1956 to 1964 (both inclusive) or for such of the aforesaid years during which he may have been in the service of

the Bank, *Provided that* in case any employee who at the date of this settlement is no longer in the Bank's service such payment shall be effected to him or if he should have died earlier, to his legal representatives, only on such employee or his legal representative(s) making an application to the Bank within six months from the date of this settlement. The Bank will be at liberty to refuse to entertain any claim received on or after 27th January, 1966. *and Provided further* that no such payment shall be made to any employee who has been dismissed from the services of the bank for fraud or misconduct.

3. The amount agreed to be paid as additional bonus for the accounting years 1956 to 1964 (both inclusive) in pursuance of this settlement shall be disbursed only upon the employees executing a receipt. The disbursement of additional bonus as per this settlement shall be made as expeditiously as possible but in any event not later than the 31st August, 1965.

4. The parties agree that this settlement entered into shall not be treated as a precedent or taken as the basis or govern the principle for the determination of bonus in future but nevertheless this settlement shall be final and binding on the parties as regards the amount of bonus payable for the accounting years 1956 to 1964 (both inclusive), qualifications for eligibility and procedure as set out hereinabove.

5. The General Bank of the Netherlands Employees' Union, Bombay and the Netherlands Trading Society (Calcutta) Employees' Union, Calcutta hereby undertake to file an application before the Central Government Industrial Tribunal, Dhanbad, for the withdrawal of the dispute relating to the bonus for the accounting year 1962 within fifteen days from the date of this settlement and undertake to withdraw their bonus claims for the accounting years 1956 to 1961 (both inclusive) pending before the Chief Labour Commissioner (Central), New Delhi, within fifteen days from the date of this settlement and further undertake to withdraw their bonus claims for the accounting years 1963 and 1964.

Signed this twentyseventh day of July, 1965 at Calcutta by—

1. Algemene Bank Nederland N. V. (General Bank of the Netherlands) by its duly constituted attorneys

Henricus Leonardus Louis Marie van Hal
and Bob van der Kwast

in the presence of:

S. D. Ghosh, Officer, Algemene Bank Nederland N. V., Calcutta

2. General Bank of the Netherlands Employees' Union, Bombay

by Vadakkethara Padmanabhan Nair,
Secretary

in the presence of:

Susil Kumar Ghosh, Secretary Bengal Provincial Bank Employees' Association

3. Netherlands Trading Society (Calcutta) Employees' Union, Calcutta

by Suresh Chandra Sarker, Secretary

in the presence of:

Susil Kumar Ghosh, Secretary Bengal Provincial Bank Employees' Association

New Delhi, the 11th August 1965

S.O. 2577.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay in respect of an industrial dispute between the management of the Syndicate Bank Limited and their workmen which was received by the Central Government on the 5th August, 1965.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY

REFERENCE NO. C.G.I.T. 23 OF 1965

Employers in relation to Syndicate Bank Limited.

AND

Their Workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

For the Syndicate Bank Limited.—Shri K. Rangaswamy, B.A.B.L.; D.S.S.A. Personnel Welfare Officer.

For the Syndicate Bank Employees' Union.—Shri K. K. Mundal, General Secretary and Vice-President of All India Bank Employees' Association.

Bombay, dated this 2nd day of August 1965.

INDUSTRY: Banking.

STATE: Maharashtra.

AWARD

The Central Government by the Ministry of Labour and Employment's Order No. 51(14)/64-LRIV, dated 28th March, 1965, made in exercise of the powers conferred by clause (d) of sub-section 2 of section 10 of Industrial Disputes Act 1947 (Act 14 of 1947), was pleased to refer the industrial disputes between the parties abovenamed in respect of the subject matters specified in the following schedule to the said order, to me for adjudication:

SCHEDULE

"Whether the management of Syndicate Bank Ltd., was justified in selecting Sarvashri P. P. Bhat, M. V. Prabhu and K. Mohandas Shetty, Clerks, working in Bombay Branch, as officer-trainees superseding the claims of the persons mentioned in the annexure, if not, to what relief are the superseded persons entitled?"

The annexure to the Order of Reference contained the names in all of 109 employees but in view of the settlement reached at the hearing it is not considered necessary to reproduce their names.

2. After the reference was made, at the adjourned preliminary hearing of this dispute before me on 28th July, 1965, after a considerable discussion, the Bank agreed to post (1) Shri K. E. Pai and (2) Shri U. G. Gogte as Sub-Accountants, which post is equivalent to the former post of Officer-trainee, without prejudice to the charge-sheet, dated 14th June, 1965, which has been served on them by

the Bank. With regard to the third post it was agreed that the Bank would select any one of the following three of the workmen whose names the union had suggested:

1. Shri S. V. Gracias.
2. Shri M. Sonappa.
3. Smt. Ahalya R. Kamath.

also without prejudice to the charge-sheets, if any, that may be pending against the selected person. Such postings to be made with effect from 1st August, 1965.

3. I may state that in a statement filed by the Bank, dated 5th July, 1965 and in the correspondence that had passed between the Bank and the Union, the Bank had agreed to post three workmen as sub-accountants whose names the union would suggest.

4. The parties have requested that I should make an award in terms recorded above in settlement of the dispute and I am satisfied that the settlement is fair and reasonable and in the interest of industrial peace, I make an award in terms recorded in Para 2 of the Award.

5. No order as to costs.

(Sd.) SALIM M. MERCHANT,
Presiding Officer.

[No. F. 51(14)/64-LRIV.]

S.O. 2578.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to Bombay Port Trust, Bombay and their workmen which was received by the Central Government on the 3rd August, 1965.

BEFORE SHRI M. R. MEHER, INDUSTRIAL TRIBUNAL BOMBAY

REFERENCE (IT-CG) No. 1 of 1963.

AND

REFERENCE (IT-CG) No. 5 of 1964.

ADJUDICATION

BETWEEN

Bombay Port Trust, Bombay, and The workmen employed under it.

In the matter of certain anomalies and allowance to running staff, etc.

Shri M. R. S. Captain with Shri Batuk Mehta *for the Bombay Port Trust.*

Shri P. P. Khambatta with Shri B. A. Panday and Shri Shanti Patel
for the Bombay Port Trust Employees' Union.

Shri G. H. Kale *for B.P.T. Railwaymen's Union.*

AWARD—Part IV in Ref. IT-CG No. 1 of 1963.

AND

AWARD in Reference IT-CG No. 5 of 1964.

Reference (IT-CG) No. 1 of 1963 was made by the Central Government under sub-section (1) of section 10 of the Industrial Disputes Act, for adjudication of a dispute between the employers in relation to the Bombay Port Trust and the Calcutta Port Commissioners and their workmen in respect of the following matters:

- (a) Whether there are anomalies, in regard to any of the pay scales recommended by the Tripartite Committee set up by the Resolution of

the Central Government, in the Ministry of Transport and Communications, Department of Transport, No. 23-PLA(91)/58, dated the 23rd August 1958, published in part I—Section I of the Gazette of India Extraordinary, the 25th August 1958, in respect of categories of posts listed in the annexure;

- (b) If so, what modifications, if any, should be made in the scales of pay recommended by the said Committee for the posts listed in the annexure having regard to the directions contained in paragraph 2 of the said resolution."

Awards in Parts in respect of the various categories have already been made by me. In Award Part III it was stated that the Award in respect of Loco Firemen and Loco Drivers would be given in the next part. I accordingly make an award in respect of these two categories.

2. Reference (IT-CG) No. 5 of 1964 was made by the Central Government at a later date. The dispute referred to in that reference is between the employers in relation to the Bombay Port Trust and their workmen in respect of the following matters:

"Whether the running staff on the Bombay Port Trust Railway should get such running allowance as is admissible to the running staff of the State Railways performing comparable duties and if so, whether such allowance should be in the form of a higher pay scales or in the form of a running allowance and in the latter case at what rates and to what extent should such—allowance be treated as pay?

Whether the demand that free passes and P.T.Os. on the lines admissible to the employees on the State Railways should be made available to the railway employees in the Railway and Engineering Departments of the Bombay Port Trust, is justified?"

The parties have filed the purshis in Ref. IT-CG No. 1 of 1963 in which it is stated as follows:

"With reference to Items Nos. 85 and 86 of the List of Categories relating to the B.P.T. Employees' Union, viz., Loco Firemen and Loco Driver respectively, referred to in the Schedule to the Order of Reference in Reference ITCG-1 of 1963, we have the honour to request you to kindly consider and give your award on the following issues as matters both incidental to and connected with the points of dispute referred for adjudication by the said Order of Reference:—

"In view of the fact that the running staff on the State Railways are in receipt of a 'running allowance' which also to a specified extent constitutes a part of their pay, whether the running staff on the B.P.T. Railway with comparable duties and responsibilities should get a running allowance; if so, whether the relief should be in the form of a higher pay scale or in the form of running allowance and in the latter case at—what rates and to what extent should it be treated as pay."

"It has been agreed by and between the parties hereto that it will be open to the Employers to argue that there are no anomalies in the recommendations of the C.C. Committee relating to the categories of Loco-Fireman and/or Loco Driver and it will also be open to the Unions and the workmen concerned to argue—that there are anomalies in the recommendations of the C.C. Committee relating to the categories of Loco Firemen and/or Loco Driver."

It will be seen that this purshis is more or less in terms similar to the first demand in Reference (IT-CG) No. 5 of 1964.

3. The circumstances in which Ref. IT-CG No. 1 of 1963 was made and the general arguments on the question of anomalies in the report of the Tripartite Categorisation and Classification Committee of Class III and IV Employees in the Major Ports appointed by the Central Government have been dealt with in the previous Awards in Ref. IT-CG No. 1 of 1963 and it is not necessary to repeat them here.

4. In respect of the demand for running allowance, the B.P.T. Employees' Union has made the following submissions *inter alia*, in its statement of claim in Ref. No. 1 of 1963: The operation of the B.P.T. Railway is superior to that

of the State Railways. Some of the features which require special skill are (1) tempo of work (2) work on open roads which increases the hazard (3) large number of points and crossings, (4) serious risk, accident rate higher than Indian Railways (5) disadvantages in service conditions (6) long hours of night work. The points and crossings are as many as 650 and there are 9 stations. There are many turns. There is a variety of goods handled. Because of the risk there is restriction on speed. There is a fairly large number of fatalities to passers by. It is not like stations on State Railways where stations are at a distance. Because of the hazard a large number of bellmen are employed. The Union refers to the observations of Shri Chowdhury, Officer on Special Duty regarding the disadvantages of the B.P.T. Railway service and says that State Railway employees have better chance of promotion. Employees in the Docks and Engineering departments of the Port Trust have less hours of night duty. This discrimination is unfair. The Loco Drivers must have experience as firemen, knowledge of traffic regulations and roads and signals. They have to carry the manifest and other papers from one station to another. They have to drive without a guard. The firemen have to fire, etc., to assist loco drivers and relieve them of short periods when necessary. The work of these categories is comparable to work on the State Railways. The State Railway Loco Drivers and Firemen have fixed hours like the workshop staff Port Trust staff are called to duty at any hour. When they are off duty they are told when to report next. The Diesel Loco Drivers are not provided with firemen or greasers. Their duties have increased considerably. They should be given a special pay of Rs. 190 per month for working without help of firemen or greaser. The Madras Port Trust has a better scale for both the categories. The Union goes on to say that the grades on State Railways are as follows: Loco Firemen (1) 75—105 (2) 50—80 (3) 40—50, Loco Driver (1) 260—350 (2) 160—300 (3) 80—185. The scales in the Port Trust before the C.C.C. Report, those recommended by the C.C.C. and the scales demanded are as follows:

Loco Fireman	45-34-75	40-2-60- 5/2-75	75-3-105 OR 125-6-155	PG with mileage without mileage.
Loco Driver.	90-5-150 HB-74-172½	80-5-120- EB-8-160- 10-180	160-10-300 OR 275-15-440	(PG) with mileage. without mileage Plus special Pay of Rs. 190/-p.m. for Diesel Loco Drivers.

5. The Port Trust has in its written statement replied as follows: It is denied that there are any anomalies in the decision of the Committee fixing the scale of Rs. 40—75 for loco firemen and Rs. 80—180 for loco driver. The duties of the Loco firemen are "firing, regulating, trimming, withdrawing clinkers while the boilers are under steam". The Loco Driver is only required to drive the steam or diesel locomotive. The post of Fireman is filled in by promotion from steam-men and ashpanman with 3 years' experience. Firemen are promoted as Loco Drivers on the basis of seniority cum suitability provided they have experience and knowledge of signal and traffic regulations. The arguments advanced by the Union in support of its demand were urged before the Committee. The B.P.T. Railway has only 16.29 track miles of main lines and 117.56 miles of sidings with 9 goods stations and attached yards. At busy level crossings gates are provided. At places where there is regular vehicular or pedestrian crossing bellmen are posted for walking ahead of the train. On the State Railways there are long stretches of railway tracks from one station to another. On the B.P.T. Railway the goods trains only cover short distances for sorting, shunting and marshalling purposes. The B.P.T. Railway handles only 18% of the total imports and exports passing through the docks. It is not necessary to provide guards for goods train as these run under non-vacumatic arrangements and the movements are in the nature of shunting operations. As stated by the Chairman of the C.C.C. in the proceedings (Ex. A.1 to the written statement) the entire Port Railway is a sort of shunting Railway. The accident rate is not high. The B.P.T. Railway employees work in 3 shifts of 8 hours each. They get 'night weightage' of 10 minutes for every hour worked between 10 P.M. to 6 A.M. at a rate calculated at their basic pay plus dearness allowance plus compensatory allowance divided by 240 per hour. The Union has quoted the observations of Shri Chaudhary—Officer on Special Duty, regarding certain disadvantages of the Port's Railway service as compared to the State Railway Service; these were made by that Officer in support of his recommendation for the transfer of the Port Railway Administration to the State Railways and

obviously this question has no bearing whatsoever on the subject matter of the present Reference. Moreover, all the Unions had rejected the Chaudhury Report and consequently the Classification and Categorisation Committee was set up by the Government in agreement with them. The B.P.T. Railway employees are not liable to transfer from one place to another in the country as on the State Railways. As regards the contention that the Committee did not consider the question of mileage allowance the Port Trust says that the claim was made before the Committee for mileage allowance or merger of the allowance in the pay scale. The Loco Drivers can be called 'highly skilled'. The standard scale for such employment as indicated in the schedule to the Government Resolution constituting the Committee is Rs. 80—160 and the Committee rightly selected that scale and extended it to Rs. 180. It is not correct that the Loco Driver is required to carry out the maintenance of the loco running. All that he is required to do is to top up oil in certain points, such as axle box, while the loco is running if he finds that a particular part has gone hot. The regular maintenance of the loco is looked after by the staff of the Loco shed. The Union's statement that the Fireman is required to relieve the Loco Driver for short periods is not correct. The Fireman is not entitled to put his hand to the controls of the Loco even for a short period. In the absence of the driver the Loco has to be stopped. The Union's statement that the loco drivers carry the manifest and other relevant papers from one station to another is misconceived. All the loco driver does is to carry the papers of the particular train from one station to another. He is not required to study them or ensure their correctness or take any action thereof as in the case of the guard on the State Railways. The work of the Loco Driver on the B.P.T. Railway cannot be compared with drivers of passenger trains as the Union alleges. The Loco Drivers of the Port Trust are required to operate goods trains. On rare occasions when a passenger train such as a tourist train or military special is brought in the Port area it is hauled by the loco driver of the State Railway. The loco driver is only required to shunt a few bogies of such train at Ballard Pier Mole station for accommodating the train in two sections on the two sides of the platform. The loco driver can be compared with the Driver, Grade C on State Railways in the grade of Rs. 80—185 as pointed out by the Chairman of the Committee. The Committee has correctly prescribed the scale of Rs. 80—180 for the Loco Driver. As regards the demand for special allowance for diesel locomotive driver this claim was put before the Committee and negatived; there is no justification for providing a greaser or assistant to such drivers. All maintenance work on the diesel loco is attended to by the staff of the Diesel Loco shed. The scales referred to by the Union for the Madras Port are the pre-C.C.C. scales and these have been continued by that Port in view of the special protection for existing scales given by Government (see para 46 of the C. C. Report). The Union's claim that the scales of the Bombay loco drivers and firemen should bear comparison to the higher pre-C.C.C. scales at Madras would defeat the purpose of rationalisation of the pay scales of all categories at all Ports. The Union had advanced the same arguments about mileage allowance before the Committee. The Committee decided that under the terms of reference extraneous benefits were not to be taken into consideration.

6. In the statement of claim in Ref. No. 1 of 1963 by the B.P.T. Railwaymen's Union it is stated, in support of the demand for running allowance for Loco Drivers and firemen, that the scales awarded are not on par with similar personnel on State Railways. They are paid partly by way of basic pay and partly by way of mileage allowance. Payment of pay scales only to the B.P.T. personnel is not sufficient compensation for their labours. The Committee failed to consider this and so there is anomaly. The Union asks that the Tribunal should either give running or mileage allowance or merger such allowance in the pay scale. The Port Trust has in its reply stated as follows: This Union did not represent the two categories before the Committee. However the B.P.T. Employees' Union fully argued the case of these categories before the Committee. The Committee decided that such extraneous benefits cannot be taken into consideration. Besides the Second Pay Commission has observed that running allowance admissible to the staff on the State Railways in paid as an incentive for the safe and punctual movement of trains and a small portion thereof is intended to cover travelling allowance. These considerations do not apply to the categories under reference.

7. I shall now refer to the further statements of claim and written statements filed after Ref. No. 5 of 1964 was made. The B.P.T. Employees' Union has made the following submissions, *inter alia*: The Port Trust Railway carries over 60 per cent of the rail borne goods traffic of Bombay. About 20 trains are received and despatched every day. The General Rules prepared by Government under

Sec. 47 of the Railways Act are also applicable to the B.P.T. Railway. The B.P.T. Railway has also prepared subsidiary Rules not inconsistent with the said General Orders. Inspection by the Government Inspector of Railways includes questioning Railway employees about the knowledge of General Rules and Working Orders. The Port Trust has to keep up the tempo of work in the Port which is set up by the dock workers. There are other points in the statement of claim which are a repetition of the points already made in the Statement of Claim in Ref. 1 of 1963. It is further stated that work is carried on in curving tracks, obstructing the view of the Railway staff. The State Railways Railwaymen work more or less on straight tracks. The work on the Port Trust Railway is onerous and complicated and requires vigilance, skill and alertness. The work is hazardous. Two serious accidents happened recently at Gamadia Railway crossing, leading to loss of life of one man and damage to a lorry and taxi. On the demand regarding free passes and P.T.Os., it is stated, *inter alia*, as follows: Free passes and P.T.Os. are given to employees recruited before 1955. Class IV line staff and Loco Drivers and Firemen recruited on or after 1st January, 1955 and Class III staff recruited after 1st January, 1946 do not get this facility. This discrimination was made without good reason. Leave travel concessions given to the employees recruited after the above mentioned dates are much less than the old scale of benefits. The free passes and P.T.Os. to employees on the State Railways are as follows:

(i) <i>Third Class</i> .—All staff drawing Rs. 130/- p.m. and below.		
(ii) <i>Second Class</i> .—Class III and IV staff drawing salary over Rs. 130/- but less than Rs. 250/- p.m.		
(iii) <i>First Class</i> .—Class III staff drawing a salary of Rs. 250 p.m. and above.		
<i>Category of staff</i>	<i>Free passes in a year</i>	<i>P.T. Os. in a year</i>
Class III and IV	I to 5 years 1 set 6 Over 5 years 3 sets	} sets on completion of one year's service

NOTES.—1. A 'set' means one outwards and one in return journey pass in which an employee, his family and dependent relatives are included.

2. Privilege Ticket Order means payment of only one third of fare by an employee.

These passes permit a workman and his family to travel anywhere in the State Railways unlike the Port Trust leave travel concession which applies only to travel between the home town and Bombay. While prescribing the scales of pay the Committee did not take into consideration these benefits on the State Railways. The Committee erroneously excluded from consideration these benefits as extraneous. On grounds of equity and fairness the B.P.T. Railway employees should have the same facilities. The Union then refers to certain observations in the Report of Shri P. C. Choudhury, Special Officer regarding work of Port Trust employees, the better chances of promotion in State Railway services, etc. and goes on to say that State Railway employees get free as well as concession travelling facilities which should not be ignored when comparison is made with wages of Port Trust Railway employees. In the Port Trust certain categories of employees get special allowance, divers get diving allowance, sanitary staff get unclean allowance. Some workmen get free quarters. Therefore Railway employees should not be discriminated in the matter of free passes. In reply to this further statement the Port Trust has replied as follows: In regard to the demand for free passes and P.T.Os., there is a similar demand, in a reference before this Tribunal, for granting free passes and P.T.Os., to Railway employees of the Calcutta Port Trust. The Port adopts the written statement of the Commissioners in that case. As regards the demand in respect of running allowance the arguments are mainly a repetition of the arguments in Ref. No. 1 of 1963 and the Port Trust has already dealt with them in the written statement in that reference. As regards the employees engaged before 1st April, 1955, who are given free passes and P.T.Os., the correct position is as under: Before 1920 the Port Trust Railway staff did not get free passes or P.T.Os. After 1920, as a result of the (then) Company managed G.I.P. and B.B. & C.I. Railways agreeing to give a certain number of free passes and P.T.Os. this facility was given to Class III and IV employees on the following scale, *viz.*, to Class III employees after 2 years' service 1 return pass and 2 return P.T.Os. and to Class IV employees 2 return P.T.Os. In 1936 the G.I.P. and B.B. & C.I. Rlys. Withdrew the grant as a measure of economy. The Port Trust employers, as a matter of

grace, did not discontinue the benefits and bore the resultant expenditure. In the general revision of pay scales in 1947-49 the employees of the B.P.T. Railway were given option to remain under the Railway Service Rules or come under the Trustees Digest of Rules. The Class III staff (other than loco drivers and loco firemen) opted for the latter and they were granted a special travelling allowance of Rs. 4 per month for the loss of concession of free passes and P.T.Os. This allowance is admissible to those who were in service prior to 1st May, 1946. The Class IV Line staff opted to remain under the Railway service Rules and the concession of P.T.Os. was continued in their case. In 1954 as a result of a settlement with the B.P.T. Railwaymen's Union the employers decided that all persons recruited to the Class IV Line staff or as Loco Drivers or Firemen on or after 1st January, 1955, would be brought under the Rules and Regulations for Non-Scheduled staff and the Digest Rules respectively. The resultant position is as under: Class III staff (excluding Drivers and Firemen) who were in continuous service from a date prior to 1st May, 1946 are entitled to travelling allowance of Rs. 4 per month in lieu of old concession of free passes and P.T.Os. Those who entered service after 1st May 1946 are entitled to benefits under the Leave Travel Concession Scheme (referred to below). Class IV Line staff of the Railway in service after 1st January, 1955, are entitled to the grant of two P.T.Os. under the old scheme as a personal concession. Those recruited after that date get the benefits of the Leave Travel Concession Scheme. Loco Drivers and Firemen appointed before 1st January, 1955 get one free pass and two P.T.Os., under the old scheme. Those recruited on or after 1st January, 1955 are entitled to the benefits of the Leave Travel Concession Scheme. The Port Trust then refers to the remarks of the Second Pay Commission on the subject of free passes and P.T.Os. (These will be referred to later in the course of this Award). The Second Pay Commission has recommended the curtailment of these privileges to State Railway employees. No orders have been passed by the Railway Board on these recommendations. The Classification and Categorisation Committee rightly refused to take into consideration such extraneous benefits. It has all along been the considered view of the Government of India, both in the Ministry of Transport and Ministry of Labour, that the service conditions of Port Trust Railway employees should be on par not with those of State Railway employees but with those of other Port Trust employees. As recently as 15th April 1963 the Central Government informed the All India Port and Dock Workers' Federation, of which both the B.P.T. Employees' Union and the Port Trust Railwaymen's Union are members that the terms and conditions of the employees of Port Railways could not be appropriately linked with those obtaining in the State Railways. There is thus no justification for conceding the demand that free passes and P.T.Os., for all Railway employees in the Port Trust on the lines of those admissible on the State Railways. The B.P.T. Railway is not a passenger Railway and the reciprocal arrangements which exist between the various State Railways for the grant of free passes and P.T.Os., to their respective employees have no relevance to the Port Trust Railway. As regards Shri Choudhary's Report dated 1st September, 1957 referred to by the Union, Shri Choudhary's view was that the staff would get better chances of promotion etc.; this Report was not accepted by Government nor was it acceptable to the Unions. While the employees of the State Railways are governed in the matter of working hours by the Railway Servants (Hours of Employment) Rules, 1961, the Port Trust Railway employees are governed by the Minimum Wages Act and Rules. State Railway employees are required to work longer hours and paid overtime at lower rates. The Port Trust then gives particulars of its leave Travel Concession Scheme. Under the Scheme employees (other than those recruited before a certain date who are eligible for free passes and P.T.Os., as per particulars given above, and categories such as apprentices and part time employees) who come from places beyond 250 miles, in the case of Class III staff and 100 miles in the case of Class IV staff are given reimbursement of 90 per cent of the railway, bus or steamer fare for distances beyond these limits to their home towns and back for themselves and their families once in two years, and employees whose families live away from their places once in each year. The leave travel concession scheme has been evolved so as to treat all Port Trust employees alike and there is no justification to single out Port Trust Railway employees for more favourable treatment which would amount to discrimination.

8. The B.P.T. Railwaymen's Union has, in its further statement of claim made the following submissions: *inter alia*: The scale of pay fixed by the Committee for Loco Drivers and Firemen are not commensurate with their duties. There are as many as 650 points and crossings and the track has curves. It is necessary to give higher scales as well as running allowance. The safety of trains and punctuality of running are equally applicable to the Port Trust Railway. The Drivers and Firemen on the Port Trust Railway are comparable to B scale drivers

and A Scale Firemen on the State Railways. The Union then goes on to support the demand for free passes and P.T.Os., on lines similar to the arguments of the B.P.T. Employees' Union. The Port Trust in reply referred to its written statements which have already been summarised and says that conditions of work applicable to the running staff of the State Railways are not comparable with those of the two categories of Loco Drivers and Firemen of the B.P.T. Railway. The running allowance on State Railways is designed to take into account special operational conditions which obtain on the State Railways and the main objective is to provide incentive for punctuality and avoid slowing down of train movements, especially of passenger trains and shirking of the more arduous duties. The Union cannot pick and choose isolated conditions in State Railway service and press for their application to the employees of the Port Trust Railway. State Railway employees are not entitled to the benefit of the minimum Wages Act and Rules applicable to Port Trust Railway employees. Loco Drivers and Loco Firemen of the Port Railway are required to put in a 48 hour week and get overtime payment at higher rate than State Railway employees. State Railway employees work longer hours and get overtime at lower rates. Port Trust employees get City Compensatory allowance though they are not transferable to other places as in the case of State Railway employees.

9. In support of the demand for running allowance the B.P.T. Employees' Union has filed an affidavit of a former Loco Driver Shri David. He says he had worked also on the suburban service of the G.I.P. Railway for over 13 years. His affidavit is in support of the Union's case about the difficult and risky work of the Driver. He says that over 60 per cent of the railborne traffic of Bombay is borne by the B.P.T. Railway, that the work of the Loco Drivers can be compared with that of Grade B drivers of State Railways, that work on the Railways cannot be compared to shunting operations on the State Railways. He says that there are no safety devices such as vacuum brakes on the Port Trust Railway.

10. The Port Trust has, in reply, filed the affidavit of Shri Nadkarni, a Loco Foreman to deny the allegations in the affidavit of Shri David. He has stated as follows: On an average the Port Trust Railway receives 10 trains a day and not 20 as stated by Shri David. Shunting forms the major part of the Railway working as is evident from the fact that there are 16-29 main truck lines as against 117-56 miles of sidings with 9 goods stations in the yards where shunting work goes on. 20 per cent of the export and import cargo passing through the docks is handled by the Port Trust Railway, not 60 per cent as stated by Shri David. Vacuum brakes are not necessary for goods trains as the maximum speed during shunting operations does not exceed 3 to 4 miles per hour. A speed of 10 to 15 miles is reached only in the small stretch between Sewri and Reay Road. For the rest of the distance the speed hardly exceeds 5 miles. The speed of the goods trains on the Port Railway is never more than walking speed. The work in the Port Railway calls for less responsibility and alertness than on the staff operating Locos on the State Railways. On the State Railways 40 per cent of the posts of Second Firemen are filled from the Class IV staff who possess academic qualifications equivalent to Middle School Standard and the selection is made by conducting a written examination and an interview; the remaining 60 per cent vacancies of the Second Firemen are filled from Loco shed Class IV staff after an oral examination and assessment of the suitability as to physique, reliability, etc. Further, on the State Railways no Fireman or Shunter is promoted as a main line Driver unless he has passed the Main Line Drivers Course at the Railway Training School at Bina, after undergoing a theoretical training for a period of 2½ months and a practical training in the Loco Shed for 21½ months. These statements are borne out by the Circular of the Central Railway annexed to the affidavit. On the port Railway the Loco Fireman is promoted from ranks of steamman and ashpanman for whom no minimum educational qualifications have been prescribed. The Loco Driver is promoted from Fireman on the basis of seniority and suitability. The only qualifications are experience as Fireman and knowledge of signal and traffic regulations. A large majority of the Drivers and Firemen on the D.P.T. Railway are illiterate. The witness has produced statistics of the total emoluments of C Grade Drivers and B Grade Firemen in some period in 1965 and states that the former are not worse off.

1. The evidence of Shri David is not reliable, and wherever it differs from that of Shri Nadkarni, the latter has to be preferred. The affidavit of Shri David is more or less a verbatim repetition of the statement of the B.P.T. Employees' Union and appears to be the production of a more intelligent person, and to which he has given his assent. He has given evidence in English. That somebody has composed contents of the affidavit of Shri David is shown by some of his answers in his evidence. In his affidavit he has referred to the hierarchy of

persons who get running allowance on State Railways. Being asked what he meant by hierarchy he said it was a typing mistake for hearsay. In his affidavit he has said that the advantages of the Port Trust Railway employees are outweighed by the advantages enjoyed by the State Railway employees. Being asked what he means by 'outweighed' he replied, "By the word outweigh I mean heavy burden". In his anxiety to support the case of the Union at all costs, he went as far as to refer to the 'ghats' on the Port Trust Railway and says 'Kasara Ghat is similar to Wadala'. He further said that he has made this affidavit because his colleagues on the Railway are illiterate and they cannot make an affidavit in English. The reasons given by him in his affidavit for saying that the duties of Loco Drivers and Firemen on the Port Railways are more onerous than on the State Railways, are different from those which he gave in reply to Court questions.

12. I was not favourably impressed by the evidence of Shri David or the manner in which he gave it. On the other hand I was favourably impressed with the evidence of Shri Nadkarni as well as his demeanour in the witness box. Learned Counsel for the Port Trust Employees' Union cross examined him at very great length, but since his evidence is true it has not been shaken in cross-examination. It is true that the witness has stated that the affidavit was drafted by the Legal Adviser, but this does not mean that the contents in the affidavit are the production of the Legal Adviser, Solicitors also prepare affidavits in proper form incorporating relevant matter and excluding irrelevant or hearsay matters, after taking instructions and it cannot be said that such affidavits should not be relied on because they are drafted by Solicitors. A large number of involved or scarcely relevant questions were put to him to discredit his evidence or bring out some inconsistency. In many cases I have taken down the questions and answers as this was more expeditious and fair rather than in lengthy arguments on the relevancy of each question, record arguments for and against disallowance and then give reasons for disallowance. A few extracts from the cross-examination are reproduced below:

"Q.—I put it to you that the drivers and firemen in State Railway belong to a different branch—

I now say that the drivers and firemen belong to a separate branch. The operative branch is separate from the Repairs and Maintenance Branch. I did not say that they belong to the same branch.

Q.—Is your previous statement made a few minutes ago, 'the drivers and firemen, as far as I am aware belong to the same branch' is an incorrect statement.

A.—What I meant was, as stated earlier, that they belong to the same department.

Q.—Do you know the distinction between branch and department in State Railway.

Question disallowed as irrelevant.

Q.—The duties of a loco Driver in Port Trust are 'driving of locos'. Is that statement correct?

A.—As the word would indicate driving a locomotive forms one of the important aspects of a driver.

Q.—The Engineering Deptt. is something quite independent and distinct from the Traffic Deptt.

A.—We have an Engineering Deptt. which is a distinct entity from Railway Manager's Deptt. which normally is concerned with the movement of trains.

Q.—Each time a wagon is derailed you are concerned.

A.—Not necessarily. When derailments of an ordinary nature take place a chargeman is detailed in each shift attends to that but derailments of a more serious nature I or the Asstt. Loco Foreman attend.

Q.—The running conditions today must be at least 10 times more onerous than they were in 1919.

A.—No. If you mean that the traffic is increased on our railway, the answer is in affirmative. But if you mean that the rigorous of work on part of engine crew has increased, the answer is no.

Q.—The burden has lessened—

A.—I have not said so.

Q.—Are there any time allotted for running between two points?

A.—A time of about 29 minutes is allotted for a run from Alexandra Dock West Yard to Wadala.

Q.—Is it not a fact that the maximum number of vehicles which may be put on goods train of 4 wheelers are as follows:

1 A East—50 loaded or 60 empties.

A.—Our locomotives are designed to take a load of only about 40 wagons and normally no loads of more than 40 are attached to any train. It is possible under certain conditions of work it may have been necessary to draw a goods train of 50 loaded wagons when a coupled engine (double-headed engine) might have been used. However, I am not sure of the particular working order.

Q.—Therefore in your opinion it would be wrong to couple more than 40 loaded wagons to any of these engine.

A.—Yes—to a single engine.

Q. It is more hazardous to drive a train if you have crossings and thoroughfares across the track.

A.—Yes and that is why a low speed limit has been laid down. The hazard is all the more if the crossing is unmanned but all our level crossings are manned by gateman on main line. Where the interceptions are unmanned it would be true to say that the hazard is greater, that is exactly why a speed limit of 3 miles has been laid down and the administration has appointed a person who is commonly called a bellman who rings the bell walking ahead of the moving engine or train warning pedestrians and vehicular traffic of an approaching train.

Q.—Therefore in the BPT there are more hazards than in the State Rly. by reason of the open intersections.

A.—It is true that the hazards at road interceptions which are not manned greater but it is equally true that a man has been appointed to warn unwary pedestrians and vehicles of the approach of a train which is moving at a speed of only 3 miles an hour. There is fencing along the main track. It would be about 5-6 miles the rest of the tracks on main line more or less may be unfenced. The rest of the 134 miles of track may be unfenced but the dock area is walled. The most congested area in Bombay is the dock area. Within the dock area the railway track is not fenced but the dock area is not a public thoroughfare, and as I understand admission is by passes and only such people that have any business to perform in docks move about the place.

Q.—It increases the hazard on BPT Railway as there is no guard.

A.—No because the train being run non-automatic, i.e. without vacuum brake and also that the run at low speeds the—presence of a guard would be almost futile.

Q.—‘a railway owned or manned by the Port authorities if run on proper lines would assist materially in the expeditious removal of cargo from the docks which constantly face the danger of congestion’—Do you agree with this statement?

A.—I fully agree with this statement. However I want to make it clear the requirements of a Port to minimise congestion and the actual performance are entirely two different aspects.

Q.—Do you agree with the statement that ‘the oil depot station is the second busiest depot on the B.P.T. Railway, first being Alexandra Dock and second most essential commodity, viz. petroleum products are loaded here—just like—Alexandra Dock for food loading this

depot also has to be worked with clockwise precision otherwise all programme are thrown off.'

A.—I agree that oil depot is a busy depot but I cannot say whether it is the second busiest. I agree but what is read out is possibly a departmental report or the opinion of some officer who wanted to make certain recommendations on the basis of his report.

Q.—Now I tell you that what I read was from the Trustees Resolutions.

A.—I am shown the remarks of the Railway Manager containing the statement contained in the previous statement and these are the views expressed by the Railway Manager. I can certainly not sit on judgment over it.

Q.—(shown extract from Chairman's remark)—'He (the Chairman) was not in favour of handing over the port railway to any of the trunk railways though it was running at a loss. There were advantages in the Port authorities possessing a railway system of their own. A railway owned and managed by the Port authorities if run on proper lines could assist materially in the expeditious removal of cargo from the docks which constantly face the danger of congestion'—Do you agree—

A.—I have nothing to say about it.

Q.—Are you aware that in State Railways the slow moving train drivers are paid a higher running allowance than the fast train drivers—

A.—I am aware that drivers of transshipment trains on Central Rly. as far as I know are paid a higher running allowance. They have a very low priority on the movement of trains on State Rlys. preference being given to mails, express-trains, passenger trains and goods trains. Transshipment-trains collect packages from small stations to stations and take a considerable amount of time to reach their—destination. The transshipment train is a goods train picking up or delivering goods from station to station on the way."

12. If the Port Trust had not led the evidence of Shri Nadkarni at all the decision of this case would not have been different, for the evidence of Shri David is not at all reliable. It appears the Port Trust led this evidence out of excess of caution. It seems to have been thought that as the Union filed an affidavit averring certain facts, it was necessary to file an affidavit to deny the facts rather than only take the chance of breaking down the evidence of the Union's witness in cross-examination. Learned Counsel for the Union urged that the Port should have examined a driver. The drivers are interested in getting running allowance, and the Port Trust could not be expected to examine witnesses who are very much interested in supporting the Union's case for running allowance. Shri Nadkarni is a Loco Foreman. He is daily concerned with the work of drivers as can be seen from his detailed answers in cross-examination. The Union has completely failed in its attempt to show that the work of drivers on the B.P.T. Railway is more onerous and hazardous than that of goods train drivers on the State Railways. The true position is the reverse. Shri Nadkarni has stated that during the last 15 years in which he has been on the Port Trust Railway there has been no fatal accident to any drivers or firemen in the course of their duty and so far as he remembers no serious accident happened to any of them during the last 15 years. The witness stated in cross-examination that there may have been 320 to 350 derailments in a year on the Port Trust Railway. By derailment he means engines or wagons coming off the Railways. These figures are very much higher than the figures he has given for the State Railways in the period in which the witness worked on the State Railways. A complaint (Ex.U.3) made recently by drivers and supported by the witness of overloading causing accidents is relied on as showing the hazardous nature of work of the staff on the Port Trust Railway. That inference cannot be drawn. The trains run very slow and there have been no serious accidents to the staff, as stated above. The witness stated that in the majority of cases the derailments are due to human-factors. This is not surprising. It is in evidence that the drivers and firemen on the Railway are illiterate and though the Rules provide promotion by seniority *cum* suitability, in practice the promotion of illiterate firemen to drivers is automatic. The witness has added—

"The rule providing seniority-*cum*-suitability is an administrative order but in practice it was found that when tests were carried out for

promotion of firemen to post of drivers there was considerable agitation from the Unions and subsequently an instruction was issued stating that all senior firemen should be given the opportunity to be promoted as drivers. Similarly the same practice was applied in case of firemen and all steam men which is the category immediately below the firemen are automatically promoted as firemen in order of seniority."

On the other hand, as can be seen from Ex. B annexed to the affidavit of Shri Nadkarni, which gives the qualifications of the drivers and firemen on the Central Railway, no fireman or shunter (shunter driver) is promoted as a main line driver unless he has passed the Main Line Driver's course at the Bina Training School. The qualification and conditions for promotion to Shunters A and B Grades are as under:

"Shunters 'A' Grade: Promotion to Shunters 'A' Grade is restricted to Fireman 'A' grade only. Fireman 'A' grade will have to pass a written and a practical test to be conducted by a Senior Loco Inspector. Firemen grade 'A' should not be considered for promotion as a Shunter 'A' till he completes 50,000 miles of actual firing on goods on double line divisions and 30,000 miles actual firing on single line divisions.

Shunters 'B' grade: Those Firemen grade 'B' who have completed 50,000 miles of actual firing on single line divisions, will be considered for promotion to Shunter grade 'B' on seniority-cum-suitability basis. The suitability test for Shunters in traffic yards and loco yards will be conducted by a Senior Loco Inspector or a Senior Fuel Inspector in accordance with the existing syllabus for S.T. Augwallas (Annexure V.). For such posts of Shunters 'B' (which used to be designated as E.S.E.T. Augwallas) where some literacy is absolutely necessary, the suitability will be assessed by a Senior Loco Inspector or a Senior Fuel Inspector by giving a written examination and a practical test as prescribed for E.T. Augwallas. The proportion of literate Shunters 'B' and illiterate Shunters 'B' (i.e. original E.T. Augwallas and E.S.E.T. Augwallas), should be worked out for each division and promotion should be regulated accordingly.

No Fireman or Shunter should be promoted as a main line Driver unless he has passed the Main Line Driver's course at the Bina Training School. Shunters and Firemen will be sent for the Main Line Drivers' course at the Bina Training School in accordance with the following instructions:—

- (i) Shunters 'A' who have completed 50,000 miles actual firing on goods on double line divisions or 30,000 miles actual firing on goods on single line divisions before being put out as Shunter 'A'.
- (ii) Shunters 'B' who have completed 50,000 miles actual firing on goods on double line divisions or 30,000 miles actual firing on goods on single line divisions before being put out as Shunter 'B'.
- (iii) Firemen 'A' who have completed 50,000 miles actual firing on goods on double line divisions or 30,000 miles actual firing on goods on single line divisions.
- (iv) Firemen 'B' who have completed 50,000 miles actual firing on goods on double line divisions or 30,000 miles actual firing on goods on single line divisions.
- (v) Firemen 'A' and 'B' will not be put out on special duty in the sheds unless they have worked on the foot plate and completed the mileage prescribed for passing the Shunters' Examination. No presumptive mileage for having worked on special duty will be taken into account for qualifying to appear in the Shunters' examination.

NOTE.—(1) The prescribed limit of firing mileage may be relaxed at the discretion of the DME in exceptional and deserving cases, but a clear note should be kept on his personal file as to why such a relaxation had been given. Normally such relaxation should not be permitted.

- (ii) For various departmental examinations, an employee will be given two chances, only. In the case of Class III staff COPS will decide if a third chance is justified and should be given. For Class IV staff, the DS at his discretion may give a third chance.

Successive chances will not be given until after a lapse of one year. If any exception is to be made, this can be done only after obtaining the prior approval of the COPS.

The exhibit further shows that 40% of Second Grade Firemen on the Central Railways are filled from Class IV staff who have academic qualifications equivalent to Middle School standard and the selection is by a written examination. The remaining 60% is filled after oral examination. On the other hand it appears from the evidence of Shri Nadkarni which I see no reason to disbelieve that in actual practice promotions on the Port Trust Railway are practically automatic because of pressure from the Unions, as stated in Shri Nadkarni's evidence. Shri Nadkarni has further indicated how difficult it is to take any action against the drivers and has stated, "Majority of drivers are being given as many as 8 or 10 warnings before any action is actually suggested". Neither the qualifications nor the duties and responsibilities of the Port Trust Firemen and Drivers can be compared with the A and B grade Firemen and C grade Drivers on the State Railways respectively. The evidence leads to the conclusion that the duties of the Port Trust Drivers correspond more with those of Shunter Drivers on the State Railways and that the work and responsibilities of the firemen on the Port Trust Railways correspond more with the second firemen on the State Railways than with B grade firemen.

13. On behalf of the Bombay Port Trust Employees' Union great stress was placed on an admission in the written statement of the Port Trust in Reference No. 1, wherein the Port Trust denied the claim of the Union that the Port Trust Drivers should be compared with B grade drivers on the State Railways and stated,

"The correct comparison, the Employers submit, should be with the Driver, Grade C on the State Railways in the scale of Rs. 80—185 as correctly pointed out by the Chairman of the Committee".

A similar admission is made in the pleadings. At the hearing the Port Trust representative sought to retract this admission as erroneous. He stated that this admission was made as the Classification Committee had given the pay of the Port Trust Drivers more or less on the same scale as the C Grade Drivers on the State Railways and in the proceedings before the Committee the Chairman had expressed that view. It was therefore thought that it was not open to the Port Trust to take the stand that the duties and responsibilities of the Port Trust Loco Drivers were not comparable with those of C Grade Drivers on the State Railways. As a matter of fact the proceedings before the Committee show that at the very same sitting at which the Chairman expressed the view referred to above, the Chairman of the Committee expressed the following view,

"The Chairman said it looked as if the Port Loco Driver who worked within a limited area could be compared to a shunter working in a 'Traffic Yard' of a big Railway junction, such as Mughalsarai, Bhusaval/Cawnpore, etc. The Port Loco Driver, the Chairman continued, could hardly fall with the definition of the Open Lines Engine Driver of the State Railways."

In my opinion the Port Trust representative was entitled to show that the admission referred to above was due to error. Even in a civil suit a party is entitled to show that an admission mistaken and untrue unless the other party has been induced by the wrong admission to alter his position. In this case the Unions have in no way been prejudiced or made to alter their position by the admission. The parties have led very detailed evidence of the duties and responsibilities of the Port Trust Drivers as compared with C Grade Drivers and Shunter Drivers on the State Railway. But for the erroneous admission the Unions would not have had even an arguable case for running allowance for the Port Trust Drivers. I may add that in Ref. No. 6 in the case of Calcutta Port Trust where the same demand is made there is no such erroneous admission by the Calcutta Port Trust Commissioners but it is emphatically stated that the duties of the Port Trust Drivers correspond with those of Shunters on the State Railways. This allegation was not denied by the Unions concerned in the pleadings or at the hearing.

14. Shri Nadkarni was cross examined to show that the speed at which the Port Trust trains travel do not conform to the Rules in the Standing Orders. On this point the witness has given a satisfactory explanation. He has stated,

"These working orders were prepared sometime in 1919 or 1920 when conditions of work on our railway were very different from what they are today, although a speed limit of 10 miles is indicated by the working order in most of the yards as I have stated before the shunting speed is limited to 3-4 miles per hour. Unfortunately the same working orders are continuing although the population and the traffic have considerably increased of late but as I have stated in practice a speed limit of 3-4 miles is not exceeded."

..... "I have brought the working orders. Working order No. 10 is dated 7th Sept. 1950. I understand this is the latest working order on speed (The witness adds)—This working order is practically a repetition of the previous working order with not very substantial changes. The date of earlier one which I have got is dated 18th March 1920. In between there may have been some but I have no copy of the order, nor the original order. These are issued by Rly. Manager."

15. Shri Nadkarni produced some exhibits showing comparison between the total emoluments of the Port Trust drivers and firemen in a particular period and shown corresponding figures of the total emoluments of some Loco Drivers and Firemen in the Byculla Shed on the Central Railway. This annexure to the affidavit was produced to show that by and large the total emoluments of the Port Trust personnel, including the interim increase given recently by the Wage Board are satisfactory and bear comparison with the total emoluments of C Grade Drivers and B Grade firemen of the Central Railway at Byculla shed. Comparison is also given with total emoluments of a few shunters. Shri Nadkarni was cross-examined to suggest that in making the comparison the Port Trust had selected categories from the Port Trust in the higher stages and categories on the Central Railway in the lower stages. On the next day when the Port Trust produced figures obtained from the Central Railway giving the total emoluments of each of the 47 drivers in the Byculla Shed the learned counsel for the B.P.T. Employees' Union objected to the production of this document on the ground that it was produced at a very late stage. Thereupon Shri Captain for the Port Trust did not press that this document should be exhibited. I mention this because in my opinion no adverse inference can be drawn against the Port Trust on the point. Both parties have filed exhibits making comparison of average emoluments in certain periods, and each of the parties has contended that the basis of comparison made by the other side is not correct or complete. I do not think it necessary to go into these points. The scales recommended by the Committee for the Port Trust Drivers (including Diesel Loco drivers) and for Firemen are reasonable and there is no anomaly.

16. The Unions have relied on the fact that running-allowance is paid on State Railways to Loco Drivers and Firemen in slow moving trains and to Shunter Drivers. As regards the former reference is made to Para 5A of the Rules published by the Western Railway in which it is stated,

"Specially arduous running duties.—Running staff working slow moving trains i.e. Tranship Road Vans including SQTs (small quick transit trains) and shunting trains (pick-up section) and those working on Ghat sections, will be paid a 'mileage allowance' the value of which will be computed as follows:—....."

Running staff working departmental trains e.g. Ballast, Material, Break-down and Relief trains will be paid at 12½ miles per hour of the day subject to minimum of 50 miles a day."

It seems to me that these conditions do not apply to the Port Trust Railways nor does the evidence justify the conclusion that the duties of the running staff of the Port Trust Railways are arduous. Shri Nadkarni has in his evidence stated,

"Shunting drivers on State Railways form a group in the hierarchy of running staff and firemen on the State Railways are entitled to a mileage or running allowance. These firemen after completion of a certain mileage are promoted as shunting drivers after a period of training and a test. The same shunting drivers after a few years of experience are further promoted by a further test to B and A."

grade drivers. It would therefore appear natural not to isolate a set of shunting drivers from the benefit of running allowance when they were entitled to such at the lower stage as well as they would be entitled to it at the next upper stage from the benefit of running allowance.....

Q.—Are you aware that in State Railways the slow moving train drivers are paid a higher running allowance than the fast train drivers—

A.—I am aware that drivers of transshipment trains on Central Rly. as far as I know are paid a higher running allowance. They have a very low priority on the movement of trains, on State Rlys. preference being given to mails, express trains, passenger trains and goods trains. Transshipment trains collect packages from small stations to stations and take a considerable amount of time to reach their destination. The transshipment train is a goods train picking up or delivering goods from station to station on the way.

Q.—Slow moving goods trains involve more arduous duties than fast running trains—Do you agree or not.

A.—This is a comparison made on the condition of work obtaining and the extent of duties performed by the mail, express and goods trains and drivers of tranship trains—I do not think it has any bearing on working of BPT Rly. because shunting which forms the major part of BPT railway work is not considered to be an arduous duty and is not paid for at a higher rate of mileage allowance which is applicable to drivers for whom the additional mileage allowance is granted.

Q.—In the BPT Rly. do you have this type of work, viz. to work regularly to shunt, or pick up or detach loads or collect and distribute packages at several points or to shunt for a prolonged period at one point—

A.—All these functions are carried on within the precincts of the BPT Rly."

Having considered the evidence on the point I am of the view that the considerations for which running allowance is allowed in such cases do not apply to the staff of the Port Trust trains.

17. I may add that even if I had come to the conclusion that the duties and responsibilities of Loco Drivers and Firemen correspond with those of C Grade Drivers and B Grade firemen on the State Railways there would still not be a good case for giving a running allowance. The reason for which running allowance is given on State Railways have particular relation to the conditions of working in the State Railways and have little relation to those in the Port Trust Railway. In the Second Pay Commission it is stated in Paragraph 28, "It (running allowance) is paid as an incentive for the safe and punctual movement of trains; and a small portion of it is intended to cover travelling allowance". It appears, however, that the portion intended to cover travelling allowance is not small. The Report of the Running Staff: Pay and Allowances Committee published by the Ministry of Railways throws illuminating light on the historical origin as well as the reasons for payment of running allowance. On pages 7 and 8 it is stated:—

"In 1931, the Railways were in the trough of depression and Mr. Robertson's duties were directed largely to secure a reduction in the cost of Running Staff and not only to achieve simplification and uniformity in the rules on the subject. Mr. Robertson's Report, submitted to the Railway Board on the 5th November, 1931, in compliance with Board's letter No. 756EG of 7th April 1931 submitted two schemes referred to in the Report as A and B. Both the schemes purported to show economies in pay and allowances and substantial economies in the cost of compilation of pay bills by eliminating unnecessary calculation and clerical work. Scheme A envisaged the adoption of a basic rate of pay fixed on the approximate average of the then existing pay, supplemented by a running allowance payable after a fixed number of miles, to be worked daily, has been 'exactd' from the mileage completed during the month. Allowances

for the performance of other than running duties, were fixed in a manner to involve the minimum of calculation. The following advantages were claimed for Scheme A:—

- (i) An incentive to work rather than be absent, as more pay is earned while working than during absence.
- (ii) An incentive to work more while at work, as the more miles run, the greater the allowance.
- (iii) The method of compilation is easy, as no daily calculations are involved, the exaction being applied to the monthly total of mileage run.
- (iv) The allowances for performing service other than running are fixed and provide for better pay, when filling positions of greater responsibility, thus saving a desire for promotion.

Scheme B envisaged adoption of a basic rate of pay fixed slightly above the then existing average, with a fixed allowance for performing running duties. The advantages of this scheme were held to be that nearly all calculations were avoided as no allowance was to be paid for performing duties other than running, except when acting in superior posts, as the fixed allowance was intended to cover all duties. An incentive to work, rather than be absent, was provided by the factor that the allowance was not earned during absence. This scheme was, however, held to suffer from certain disadvantages, as, while at work, there was no real incentive to work hard, as one man would draw the same fixed allowance as another as long as both were at work. During leave the staff concerned were to draw pay only and not any part of the consolidated allowances."

.....The essence of this scheme was the elimination of the element of pay included hitherto in Running Allowances and its incorporation in basic pay to be supplemented by the payment of a compensatory allowance which was to be correlated to the trips performed. Apart from the basic pay and trip allowances, Running staff were to be eligible for:—

- (i) Overtime, when the hours put in exceed an average of 60 hours a week (then contemplated as the ceiling limit), such overtime being paid at 1½ times the hourly rate;
- (ii) Allowance in lieu of Running Room amenities when Running rooms had not been provided by the Administration at out-stations;
- (iii) Under Rest Allowance, when the staff were called out to work before completing the scheduled rest admissible at the headquarters station only, subject to the minimum of 8 hours' rest which the staff must be allowed to enjoy;
- (iv) Over Rest Allowances when staff are detailed at out-stations for a period in excess of 16 hours;
- (v) Accident Allowance, for work done by staff in connection with accidents, all the time spent being treated as overtime;
- (vi) Travelling Allowance, when Running Staff undertake journeys other than in-charge of trains."

.....After careful consideration, the Committee have come to the conclusion that, while the system of payment adumbrated in Board's letter of the 17th August 1946 referred to above would represent an ideal, it would not be expedient, in the context of the uncertain labour conditions prevailing at present, to divest running Allowances of their 'pay character' and reduce them to mere travelling allowances."

These considerations do not apply to the staff of the Port Trust whose duties consist mainly of shunting operations. The longest stretch on the Port Trust Railway is about 7 miles and therefore the trains on the main line go at very slow speed, and not in accordance with a scheduled time table as in the case of State Railways. The Port Trust staff are better off than the State Railway staff in the

matter of working hours and rates of overtime payment as they are governed by the Minimum Wages Act. This is referred to in the pleadings of the Port Trust. Shri Nadkarni has stated,

"The overtime rates under the Employment of Hours Regulation applicable to State Rlys. as far as I know are $1\frac{1}{2}$ times and overtime is admissible after a period of 231 hrs. in a month or 54 hrs. in a week. The overtime paid under Min. Wages Act is at double the rate of their pay and is paid in excess of 48 hrs. of duty in a week or 9 hrs. in a day."

The Minimum Wages Act is generally applied to sweated industries. The application of the Minimum Wages Act to the Port Trust workers and Port Trust Railway Staff appears to be an anomaly. Wages for Port Trust employees have been fixed recently by the Classification Committee after taking into consideration wage scales in services under Government and also on the State Railways. There is also a Tripartite Wage Board formed for revision of the Wage scales etc. It is therefore difficult to see how employees of the Port including Railway employees need the protection of the Minimum Wages Act. Whatever that may be, by reason of the application of the Act the Port Trust Railway employees are better off in certain respects such as hours of work and overtime than employees on the State Railways. Shri Nadkarni has in the affidavit stated that though the Port Trust Railway has been exempted from the provisions of Chapter VI A of the Railways Act, the fact is that the Port Trust Loco Drivers enjoy rest periods on a scale more liberal than provided in the Act. On this point no question was put in the extremely lengthy cross-examination, and there is no reason to disbelieve Shri Nadkarni on this point. The Port Trust Railway staff are not liable to transfer outside Bombay as in the case of the State Railway staff and yet they get Bombay City Compensatory allowances along the lines of Central Government servants. It is not necessary to pursue such comparisons further. There cannot be parity in all conditions of service on the State Railways and the Port Trust Railway without regard to the different conditions of working and the different conditions under which the State Railway staff serve such as liability to transfer, etc.

18. Taking into consideration the evidence, the submissions and the arguments on both sides I have come to the conclusion that there is no anomaly in the Report of the Committee in not giving running allowance to Loco Firemen and Loco Drivers, and there is no case, on the merits, for giving running allowance. Shri Khambatta who has appeared for the B.P.T. Employees Union has strongly challenged the view taken by the Committee in paragraph 25 of the Report which was as follows:

"The Committee had before it the question whether the extraneous benefits given by the Indian Railways, which not all given by the Port Railways, would justify a higher scale of pay for the Port Railway employees. The Committee, however, has taken the view that the terms of reference contained in the Government Resolution constituting the Committee are precise, and that extraneous benefits are not to be calculated for the purpose of fixing particular categories into particular scales."

Shri Khambatta argues that as the running allowance forms a large proportion of the total emoluments of Drivers and Loco Firemen on the Railways the Committee was in error in taking this view. In my opinion the Committee was right in regarding the Running allowance as well as free passes and P.T.Os. in the category of extraneous benefits. If a benefit is given on the Railways for reasons which are not applicable to the Port Trust Railways (as in the case of running allowance) or is given for historical reasons (as in the case of free passes and P.T.Os.) it could not be taken into consideration in fixing the emoluments of the staff on the B.P.T. Railway.

19. In the course of the arguments Shri Captain, Legal Adviser of the Port Trust who conducted the case argued that as the Port Trust Railway has been making losses and one of the remedies suggested by the Public Accounts Committee of the Lok Sabha is reduction of establishment charges the Tribunal should take this into consideration in adjudicating on the demand. In support of this argument he relied on the latest Administrative Report of the Port Trust as well as the Report of the Public Accounts Committee of the Lok Sabha for 1964-65 published by the Lok Sabha Secretariat. In it it is stated:

"The proforma working results of the Bombay Port Trust Railway had been showing losses for the past six years upto 1961-62. During

1962-63, however, there was a surplus of Rs. 18.12 lakhs due to the recovery of arrears of terminal charges amounting to Rs. 72.03 lakhs. If this had been excluded, the working results of the Railway would have disclosed a loss of Rs. 53.91 lakhs instead of a surplus. The cumulative loss incurred by the Bombay Port Trust Railway over a period of ten years ending 31st March, 1963 was Rs. 129.93 lakhs.

"The Committee desired to know whether in view of the fact that the cumulative losses incurred over a period of ten years had run into Rs. 129.93 lakhs on the port railway, there was any possibility of revising the charges for the services rendered by the Port Trust Railway. The witness stated that the major part of their income was made up by the terminal charges paid by the trunk railways. The Central and Western Railways had been approached to make payment of the terminal charges on the basis of supplementary charges levied by the port authorities that would increase latter's earnings. He further added that efforts were being made to raise to some extent the charges for moving the wagons though he felt that the scope was limited. The matter was, however, under their consideration. They were also trying to find out if the establishment charges could be reduced. The Committee pointed out that Madras Port had increased their railway terminal charges and thereby had earned Rs. 23 lakhs more in the year 1962-63. The witness stated that they were examining the question as to how to run port railway without incurring any loss. The Committee stressed that the loss of Rs. 54 lakhs incurred during 1962-63 (after excluding the recovery of arrears of terminal charges) was a big amount. The witness stated that for the period 1963-64 the loss was Rs. 50,63,000 and according to the budget estimate for 1964-65 the loss was estimated to Rs. 44,69,000.

The Committee regret to note that the Bombay Port Trust Railway has been continuously running at a loss, and that the cumulative loss incurred over a period of ten years ending 31st March, 1963 was Rs. 129.93 lakhs. What is more, the loss during 1963-64 was as high as Rs. 50.63 lakhs and estimated loss during 1964-65 is Rs. 44.59 lakhs. This trend is no doubt disturbing and it indicates the need of improving the working of this Railway. The Committee hope that with the increase of terminal charges, reduction in the establishment charges and improvement in efficiency the loss will be minimised, if not altogether eliminated."

In reply to this Shri Khambatta, the learned counsel for the B.P.T. Employees' Union argued that the Port Trust was not entitled to urge this argument because it had not been urged in the written statement of the Port Trust. Shri Khambatta went on to say that the Port Trust had not in its written statement pleaded financial incapacity to meet the demands if they were granted, that if the point had been taken in the written statement, he could have cross-examined the Port Trust witness or led evidence to show that the Port Trust was not really working at a loss. After a lengthy argument Shri Captain conceded that he was not entitled in law to urge this point. It seems to me that if the Port Trust Railway has been making losses for years and the Public Accounts Committee of the Lok Sabha has recommended, among other remedies, a reduction in establishment charges, that is a fact that is relevant to the extent, that that increases in emoluments should not be given to the Port Trust Railway workmen without good reasons. A party is not bound by an erroneous admission in the course of arguments on a point of law. In this case it appears that in the stress of arguments on the spur of the moment and confronted with an argument urged strongly by an eminent counsel Shri Captain conceded, though not without hesitation the legal objection to be probably valid. I am inclined to the view that Shri Captain was entitled to urge the point, and the admission that he was not entitled in law to urge this point is not binding on the Port Trust or on the Tribunal. In so saying I should not be understood as casting any reflection on Shri Captain who conducted all these References throughout with ability and care. It is not necessary that all the evidence that a party has to adduce and all relevant facts which go to support or rebut the facts in issue must be set out in the written statement. The strict rules of the Evidence Act are not applicable to industrial adjudication proceedings but even according to the strict rules of the Evidence Act, the report of the Lok Sabha Public Accounts Committee mentioning the relevant fact about the continuous losses by the Port Trust Railway and suggesting as one of the

remedies reduction of the establishment charges is admissible and relevant in view of Sec. 35 of the Evidence Act and it is difficult to see what evidence the Union could have led to contradict the fact, if the fact of losses suffered by the Port Trust Railway over a period of years had been urged in the written statement. In fact in a question put by the learned counsel for the B.F.T. Employees Union to Shri Nadkarni he was called upon in cross-examination to admit the correctness of certain remarks of the Chairman of the Bombay Port Trust in various proceedings of the Trustees and one of the remarks of the Chairman he was asked to agree with was a remark of the Chairman that he was not in favour of handing over the Port Trust Railway to any of the trunk railways though it was running at a loss. The witness said that he had nothing to say about it. Naturally he could not sit in judgment on the view of the Chairman of the Port Trust on the advisability or otherwise of handing over the Port Trust Railway to the State Railways. It is a well known fact that the State Railways have been running for years at a profit and also contribute to the general exchequer. Even a Civil Court could, under Sec. 57 of the Evidence Act take judicial notice of this, being a matter of public history, if necessary, after looking into appropriate books. Since it is clear from what is stated above that the Port Trust Railway has been making losses over a period of 10 years, that is, an additional reason for not increasing the emoluments of the Port Trust Railway staff without good reasons. I may however add that even if the fact that the Port Trust has been making big losses and that the Public Accounts Committee of the Lok Sabha has recommended, among other things, a reduction in establishment charges is entirely omitted from consideration it would not at all affect the decision which I am giving in the matter of running allowance and free passes and P.T.Os. and the reasoning given by me for rejecting the demands is in no way affected.

20. In the result the demand for running allowance is without merit and is rejected.

21. As regards the demand in respect of free passes and P.T.Os. I have already referred to the fact that all benefits in the Port Trust Railways and State Railways cannot be identical and that in some respects the Port Trust staff is better off. The facility has had its origin on the State Railways for historical reasons which have no application to the Port Trust staff. These historical reasons have been referred to in para 7 above. The reasons why the facility was given to certain old servants on the Port Trust who were given an option to opt have been detailed in the Port Trust's statement summarised in paragraph 7 above, and they do not amount to any discrimination. It is pertinent to mention that there was a claim for such facilities in the Calcutta Port and the Government had referred the industrial dispute in respect of this matter to the Central Government Industrial Tribunal in Ref. No. 1 of 1956. In the Award of the Tribunal published in Gazette of India Extraordinary, Part II, Sec. 3, dated 30th January 1958, we find the following:

"22. The practice of granting of passes and P.T.Os. in the State Railway has a history behind it. The Railways were previously owned by private companies and like all benevolent employers who had transport business in the past allowed their employees to avail themselves of the transport facilities free. This was gradually extended over the transport arrangement of other companies by mutual arrangement. This arrangement was reciprocal and I presume that neither company had to make any cash payment for this arrangement. The settlement was made by book adjustment. Now when the Government took up the Railways, the Government thought it inadvisable to discontinue the privilege of the Railway employees which they had enjoyed for a long time. This privilege was allowed to continue but was not extended to Government employees of other departments. The Port Commissioners allow P.T.Os. once in a year to their Class IV employees to which the Yard Porters, Jamadars and Cabin Jamadars belong. If any additional benefit is given to the employees of the Railway Transportation Department there is every possibility of unrest in other departments. Besides free passes and P.T.Os. over foreign railways on the scale which is available to the employees under State Railways will involve additional costs. We are not aware of the financial implication of such additional burden. In my view any recommendation in this direction is considered inexpedient."

It is difficult, on the evidence in this case to take a different view in this case. Moreover it is pertinent to note that the Second Pay Commission in Chapter XLIV has dealt with this question again and has, *inter alia*, stated, that—

"the travel privileges allowed to Railway employees are conspicuously extravagant, and in large part indefensible. The only reason or the semblance of reason, put forward in support of them is that they are traditional privileges of railwaymen. Apart from being a feeble reason this is not wholly correct even factually...but with the large measure of uniformity in remuneration and conditions of service brought about after the Varadachariar Commission's recommendations, and, in particular with the recent provision of pension for Railway employees, the other Central Government employees see little justification for the continued enjoyment of Railway employees of any special privileges."

The Commission finally came to the conclusion that "there is in our view a clear case for a drastic curtailment of travel concessions allowed to State Railway employees". It is not known what orders have been passed by the Government of India on these recommendations. There is a strong case for curtailment of these privileges on the State Railways and no case whatsoever for extending these extravagant and unjustified concessions, originating in historical circumstances when State Railways were company managed and had reciprocal pass arrangements, to Port Trust Railway employees. There is no case whatsoever for case for extending the benefits of free passes and P.T.Os. on State Railways to the Port Trust employees. The demand is rejected.

(Sd.) M. R. MEHER,

Industrial Tribunal.

Bombay, the 29th July, 1965.

[No. 28/73/64-LR. IV.]

S.O. 2579.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to Calcutta Port Commissioners and their workmen which was received by the Central Government on the 4th August, 1965.

BEFORE SHRI M. R. MEHER, INDUSTRIAL TRIBUNAL, BOMBAY

REFERENCE (IT-CG)No. 6 of 1964

ADJUDICATION

BETWEEN

The Calcutta Port Commissioners

AND

The workmen employed under them.

In the matter of allowances to running staff etc.

For the Calcutta Port Commissioners—Shri G. V. Karlekar, Chief Labour Officer with Shri K. N. Ganguly, Dy. Secretary.

For the Workmen—Shri Santosh Kar, Secretary, National Union of Port Trust Employees, Shri Makhan Chatterjee, Gen. Secretary, Calcutta Port Shramik Union and Shri D. Y. Kelkar on behalf of Calcutta Port & Dock Workers Union.

AWARD

This is a reference by the Central Government under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication of a dispute between the employers

in relation to Calcutta Port Commissioners and their workmen in respect of the following demands:

- (1) Whether the running staff of the Calcutta Port Commissioners' Railway should get such running allowance as is admissible to the running staff of the State Railways performing comparable duties and if so, whether such allowance should be in the form of a higher pay scale or in the form of a running allowance, and in the latter case at what rates and to what extent should such allowances be treated as pay?
- (2) Whether the demand that free passes and P.T.Os. on the lines admissible to the employees on the State Railways should be made available to the Railway employees in the various Departments of the Port Commissioners is justified?

2. In the statement of claim filed by the Calcutta Port Shramik Union it is stated, *inter alia*, as follows: The Calcutta Port Trust Railway has a track mileage of 341.40 Kms. It owns 2336 wagons, 61 steam locomotives and 9 diesel locomotives. These are used for carriage of goods to and from the docks. The railway comprises of six main yards. It co-operates with State Railways and receives daily on an average 13 trains from State Railways and despatches on an average an equal number of trains. The Union then goes on to refer to the Report of the Officer on Special Duty, Shri P. C. Chaudhuri on the question of transfer of the Port Railways, to the State Government and goes on to say that the Classification and Categorisation Committee which finalised this report in May 1961 fixed the pay scales of the Port Trust railway employees without taking into consideration the running allowance and free passes and P.T.Os. enjoyed by comparable categories of employees in the State Railways. The Committee observed as follows:

"The Committee had before it the question whether the extraneous benefits given by the Indian Railways, which are not all given by the Port Railways, would justify a higher scale of pay for the Port Railway employees. The Committee, however, has taken the view that the terms of reference contained in the Government Resolution constituting the Committee are precise, and that extraneous benefits are not to be calculated for the purpose of fixing particular categories into particular scales."

The Union then goes on to quote observations of the Second Pay Commission in paragraph 28 of its report on the subject of running allowance on State Railways which were as follows:

"A substantial portion of the total emoluments of the Railway Staff is the form of Running Allowance, a factor which has to be borne in mind while determining the pay scales. It is paid as an incentive for the safe and punctual movement of trains, and a small portion is intended to cover travelling allowance."

The running allowance is treated as pay to the extent of 75% for the purposes of leave salary, dearness allowance, retirement benefits etc. When running staff are appointed to stationery posts for a period not exceeding 21 days they are entitled to the pay of the running posts, plus the average running allowance. The State Railways grant passes and P.T.Os. as follows:

- (a) 1st to 5th year of service—one set of pass in a year.
- (b) From 6th year and over—three sets of pass in a year.
- (c) For all staff—6 sets of P.T.O. in a year irrespective of their services.

The Union submits that in the past Calcutta Port Trust Commissioners hired locomotives from the State Railways with 'C' Grade Drivers and corresponding grade of Firemen. Therefore the drivers and firemen of the Port Trust Railway are comparable with such drivers and firemen of the State Railways for the purpose of running allowance. The shunter gunners on the Port Trust Railway do duty similar to those that are performed by 'C' Grade Guards of the goods trains and the sub-gunners in the Port Trust Railway are comparable with the brakemen on State Railways. In the Ports of Cochin, Kandla and Vizagapatam, railway operations for the movement of goods to and from these ports as also maintenance of the railway system and railway commercial work are done by the State Railway employees. The same work on a greater scale is done by the Calcutta Port Trust railway employees, but their emoluments are lower. Therefore the denial of adequate running allowance and passes and P.T.Os. amounts to discrimination and

violation of the principle of uniformity in wages in Ports. The Union then refers to certain benefits like free provisions, uniform allowance, etc. to certain categories of the Calcutta Port Trust and says that it is only the Railway employees of the Calcutta Port Trust railway who are not given such benefits as running allowance, free passes etc.

3. The Calcutta Port Trust Commissioners have in their written statement replied, *inter alia*, as follows: The duties and responsibilities of loco drivers and firemen in the Calcutta port are not comparable with C Grade drivers and firemen on the State Railways. It is also not correct that the shunter gunners in the Port Trust Railway do duties similar to those performed by C Grade guards of goods trains on the State Railway and that sub-gunners on Port Trust railway do duty comparable with the brakemen of the State Railways. It is denied that the workmen concerned in this reference are discriminated against. Unlike the guards who are in charge of trains, the shunter gunners are in charge of the engines for shunting operations, check the seals, labels, rivets etc. of loaded wagons, sub-gunners assist the shunter gunners in this work. The shunter gunners and sub-gunners can be compared with the shunting jamadars on State Railways who are responsible for sorting and formation of trains in the correct marshalling order under instructions of the Station Master or Yard Master as also for the supervision of work of shunting porters, coupling porters etc. The shunting jamadar and coupling porters on State Railways are not entitled to running allowance. As regards the railway in the Ports of Cochin, Kandla and Vizagapatam the operations for the movement of goods to and from these ports etc. are done by the State Railways and therefore those employees get the same pay, allowances etc. as those of State Railways. The Port Trust Commissioners go on to say that the work on the Port Trust railway cannot be compared with the work on the State Railways. While the work on the State Railways involves speedy carriage of passengers, livestock, perishables and goods over long distances operating on definite time schedules, the work on the Port Trust railways is mainly confined to shunting work and hauling of loads within the limited yards at a very slow speed without any time schedule. The duties performed by the loco drivers and firemen working on the Commissioner's railways are to some extent comparable with those performed by shunters and firemen on shunting engines on the State Railways. For carrying out the shunting work in the yards of State Railways the grounds for payment of running allowance to shunters and firemen on State Railways do not exist in the Port Trust railways. On the State Railways shunters are promoted from firemen who are entitled to running allowance. The shunters and firemen on shunting duties at the terminals on State Railways would be adversely affected if the running allowance originally paid to them as firemen is not paid to them while working as shunters. Therefore, in order to maintain parity of payment, interchangeability of Staff for yard and main line work and operational flexibility the shunters and firemen are paid the running allowance on the basis of fixed allowance per day. As regards the terms and conditions of service employees of the Port Trust Railway and the State Railways, they are not covered by the same Acts, rules and service conditions. While employees of State Railways are governed by the Indian Railways Act, 1890 and the Railway Servants (Hours of Employment) Rules, 1961 framed under Section 71(C)(1) of the Indian Railways Act, 1890, the Port Trust Railway employees are covered under the Minimum Wages Act, 1948 and the Minimum Wages Central Rules. On the State Railways, running allowance to running staff is paid as an incentive for safe, efficient and punctual movement of trains working under a definite time schedule. On Port Trust Railway the work is confined mainly to shunting work and carriage of cargo to and from different sheds within the limited port areas. The Port Trust Railway staff have not to work with the same type of strict punctuality or on pre-determined regular time schedule. The trains are run at a very low speed not exceeding six miles per hour. The locos and wagons are also not fitted with vacuum fittings or subject to vacuum brakes, a requirement essential on the State Railways on the main lines. The wage scales on the State Railways and Port Trust Railways are as follows:

State Railways:

Shunter Grade 'A'	Rs. 130—4—170—EB—5—200.
Shunter Grade 'B'	Rs. 130—4—158.
Fireman Grade 'A'	Rs. 125—3—131—4—155
Fireman Grade 'B'	Rs. 100—3—130.
Second Fireman	Rs. 80—1—85—2—95.

Commissioners:

Fireman

Rs. 85—2—95—3—110—EB—3—128

Loco Driver

Rs. 130—5—175—EB—6—205—7—212—10—232

The Commissioners point out that, as stated above, the scales of pay of the Port Trust fireman and Loco-Drivers are definitely higher than the corresponding scales on the State Railways. The employees on the Port Trust Railway get overtime at double rate according to the Minimum Wages Act and Rules. These conditions are more favourable than those applicable to State Railway employees. Loco Drivers on the Port Trust Railway, though they are Class III employees are given rent free quarters or if they are not provided with quarters are granted house allowance at double the ordinary rate of house allowance. The Port Trust employees are entitled to night weightage allowance for working within the hours of 10 P.M. to 6 A.M. while employees of the State Railways get night weightage allowance for working from midnight to 6 A.M. The Port Trust employees get 19 holidays or holiday allowance in lieu of holidays as against three allowance payable holidays available to the State Railway staff other than the staff of workshops and offices of the State Railways. The Port Trust employees are all stationed at Calcutta and are paid Calcutta city compensatory allowance. Their services, unlike employees of State Railways, are not transferable to places other than the Port area nor are they required to go on duty away from their base.

4. On the demand in respect of free passes and P.T.Os. the Commissioners have stated as follows: The system of free passes and P.T.Os. on the State Railways has a historical background. The Railways were previously owned by private companies. Like other employers engaged in transport business the railway employees were allowed certain privileges with regard to free passes and P.T.Os. without an extra expenditure. This by mutual agreement was extended over the passenger train arrangements of other companies and this was a reciprocal arrangement without any extra expenditure to any employer. The Port Trust Railway is not a passenger railway. The Commissioners therefore cannot enter into reciprocal arrangements as exist between the various State Railways for the grant of free passes and P.T.Os. to their employees without extra expenditure. If the Railway employees of the Port Trust are singled out for giving the privileges demanded there is likely to be dissatisfaction among other employees of the Port Trust. The Commissioners then refer to the observations of the First and Second Pay Commission on this subject. (These will be referred to later in the course of this Award) and go on to say that the Port Trust Commissioners give to the employees privilege ticket order concession, once in every calendar year of two-thirds of the actual return railway fare incurred by Class III and Class IV employees drawing basic salary not exceeding Rs. 200/- per month in respect of each employee and his family for proceeding to a 'registered' permanent home in India. Employees drawing basic salary exceeding Rs. 200/- per month are given this facility once in two years only in case of journey performed during leave (excluding casual leave). The assistance consists of 90% of the fare for the distance in excess of 250 miles by class to which the employee is entitled. In view of what is stated in the written statement the Commissioners urge that both the demands should be rejected.

5. In the statement of claim filed on behalf of the workmen by the National Union Port Trust Employees, it is stated, *inter alia*, as follows: The claim for running allowances is in respect of the following categories:

- (a) Yard Foreman: (b) Shunting Master: (c) Forwarding Clerk: (d) Super-cargoes: (e) Yard Clerk: (f) Driver: (g) Fireman: (h) Coupling Porter (i) Khalasi: (j) Shed Clerk (attached with the loading of wagons): (k) Asstt. Forwarding Clerk.

The Union then describes the duties of these categories. With regard to free passes and P.T.Os. the Union has stated that the demand is made in respect of the staff in the Railway section and the staff in the Chief Mechanical Engineer's Department who are associated with the Railway operations. The Union says that this staff are entitled to three sets of passes and six sets of P.T.Os. as are admissible to Class III & IV staff of the Indian Railways.

6. In reply to the statement of claim by the National Union of Port Trust Employees the Port Trust Commissioners have stated *inter alia* as follows: The Commissioner invite reference to their detailed reply to the Calcutta Port Trust

Shramik Union and add as follows: The Categories of staff mentioned by the National Union, excepting the drivers and firemen are not entitled to running allowance on the State Railways.

7. The Calcutta Port and Dock Workers Union has in its statement of claim made the following submissions, *inter alia*. The Calcutta Port Commissioners' Railway has been discriminated in respect of the benefits claimed. The Officer on special Duty (Shri Chaudhury) observed that the Port Trust Railways function within their limited scale in very much the same manner as a General Railway system. The Port Railways are members of the Indian Railway Congress Association which regulates matters of common interest such as wagons inter change, standardisation of stock etc. In the State Railways a substantial part of the emoluments of the running staff consists of running allowance. These benefits should be extended to the running staff of the Port Railway. The question of reciprocity does not arise. Likes should be treated alike. The additional cost if the demands are granted would be negligible. Running allowance to the extent of 50% of pay is demanded for various categories of staff including peons, Clerks, Jamadars etc.

8. As the Calcutta Port & Dock Workers Union has taken the points similar to those made by the other two Unions, the Port Trust Commissioners have not filed a separate written statement in reply to this Union, but has adopted, in reply, the written statement filed in reply to the statements of claim by the other two Unions.

9. Along with the statement of claim the Calcutta Port Shramik Union filed certain annexures relied on by it in support of the demands. Annexure A is a letter from the Union to the Commissioners dated 19th July, 1961 requesting that the Port Trust employees should be treated on a par with the employees of State Railways, that running allowance should be paid to Loco & Traffic running staff and free passes and P.T.Os. should be given. Annexure B which contains a Resolution of the Working Committee of the All India Port & Dock Workers' Federation which met on 30th and 31st December 1962. It pressed for settlement of pending demands. Annexure C is a note by the Federation on the points raised by its representatives at a meeting with Shri D. Sanjivayya, Minister of Labour at his residence at New Delhi on 29th April 1964. Annexures A, B and C have no evidentiary value for the purposes of this Reference. Annexure D is a letter from the Secretary to the Government of India, Transport Department to the Chairman, Calcutta Port Trust Commissioners in which it is stated, *inter alia*, that certain recommendations of the Central Pay Commission should be applied to the Port Trust employees at the major Ports. Reliance is placed on a sentence from the letter in which it is stated, "Some Port Trusts have their Railway workers who are engaged in work similar to those of Central Government Railway workers who will also benefit from the Government decisions". The decisions in the letter relate to certain matters not connected with running allowance and free passes and P.T.Os and this sentence isolated from the context of the letter does not support the claim of the Union for running allowance for the Loco Drivers and Firemen and for free passes and P.T.Os.

10. The hearing of this Reference was finished on 16th March 1965. The parties were informed that Award would be given after the hearing on the same demands in Reference No. 5 of 1964 concerning the Bombay Port, as it would be convenient and equitable to give an award after hearing both the References. On 18th June, 3 months after the hearing was completed the Port Shramik Union sent by post certain documents for consideration. The Calcutta Port Trust Commissioners have written a letter objecting to the exhibition of these documents. The documents sent by post long after the hearing was over have not been exhibited and cannot be taken into consideration. As however this matter may go further, I record the finding that even if these documents were exhibited and taken into consideration they do not advance the case of the Union in respect of either of the demands and would not affect the decision which I am giving. Along with its letter forwarding the documents the Union also wrote requesting a visit to Calcutta for inspection of the Railway and its working. I have not considered it necessary to comply with this request. It was not at all necessary for appreciating and deciding the issue in this case. I may add that in respect of the same demands pertaining to Bombay Port, the Unions have not requested me to see the Bombay Port Trust Railway and its working, though it being near to the Tribunal's office it would have been very convenient to do so, if it was really necessary for the purpose of appreciating the issues in the case.

11. Having carefully considered the submissions of both sides my conclusions are as follows:

The work on the Port Trust Railway cannot be compared in all material respects with the work on the State Railways. The Port Trust Railway has no passenger trains as in the case of State Railways. In respect of trains also while carriage on the State Railways has to be done on long distances; the trains operate on time schedules, over and above the shunting operations in yards. The work on the Port Trust Railway is mainly confined to shunting work and hauling of loads to and from different sheds within limited areas at slow speed not exceeding six miles an hour and without scheduled timings. No rejoinder was filed to these averments in the written statement of the Port Trust nor were they seriously disputed by the Union representatives at the hearing. Therefore the argument that the non payment of running allowance and not giving free passes and P.T.Os. on the Port Trust Railway amounts to denial of equal pay for equal work cannot be accepted. I shall now deal with the arguments pressed at the hearing in support of the claims. Reliance is placed on certain observations in the Report of Shri P. C. Choudhari, Officer on Special Duty on Port Trust Railway quoted in the statement of the Shramik Union regarding certain disadvantages of service on the Port Railways as compared to State Railways and recommending transfer of Port Railways to the State Government. This Report was not accepted by Government and the recommendation has no bearing on the issues in this case. Then it was urged that in certain big ports e.g. Cochin, running allowance is given, but there the State Railways run the Port Railway and the State Railway has to maintain parity of benefits when the same staff can be asked either to work on the main line or the section of the Port Trust Railway. Then it is urged that the running allowance forms a large proportion of the basic allowance in the case of the State Railway employees, and the running staff of the Port Trust Railways whose emoluments were fixed by the Jeejeebhoy Committee after taking into consideration the scales on the State Railways should also get the running allowance. Reference was made in this connection to the evidence led before the Jeejeebhoy Committee and to certain observations of that Committee. Now running allowance is paid on the State Railways to the Drivers, Shunters (Shunter drivers), Firemen, Guards, and Brakesmen. The emoluments of the Loco Drivers have been fixed more or less corresponding to that of State Railway Drivers Grade III, but it does not necessarily follow that the duties and responsibilities are the same. Though at one place in the proceedings it is stated that the Chairman observed that the Loco Drivers of the Port Railway might reasonably be equated to a Driver Grade C on the State Railways, later on in the course of the same proceedings the Chairman said that it looked as if the Port Loco Driver who worked within a limited area could be compared to a Shunter working in a Traffic Yard of a big Railway Junction, such as Mughal Sarai, Bhusawal, Kanpur, etc. and that the Port Loco Driver could hardly fall within the definition of the open lines Engine Driver of the State Railways. Therefore there is nothing in the proceedings or the Report of the Committee to show that the duties and responsibilities of the Loco Driver of the Port Trust Bombay are similar to those of the Loco Driver on the State Railways, and I have already referred above to the distinctions in conditions of working between the two Railways, though it appears that the wage scales recommended for the Loco Drivers on the Port Trust Railway correspond roughly to the wage scales for C Grade Drivers on the State Railways. But as observed in the Second Pay Commission Report in paragraph 28, "It (running allowance) is paid as an incentive for the safe and punctual movement of trains; and a small portion of it is intended to cover travelling allowance". These considerations have no bearing on the running staff in the Port Trust Railways for reasons already set out above. Besides there cannot be absolute parity as regards all benefits. In fact the Port Trust staff have certain advantages which the State Railway staff have not. They are governed by the Minimum Wages Act, so the condition as regards hours of work and overtime are more favourable than for the State Railways staff. As stated in the Commissioners' statement the correctness of which has not been denied the Port Trust employees get 19 holidays or payment of holiday allowance in lieu of holidays as against 3 holidays or holiday allowance to the State Railway staff. The Port Trust employees are not liable to transfer outside Calcutta. It is not necessary to pursue the comparison further. As pointed out in the Port Commissioners' statement in paragraph 31, a statement which I accept as generally correct the Loco Drivers and Firemen of the Port Trust have a higher scale than categories in the State Railway who can be most nearly compared, namely, Shunter (Shunter Drivers) Grade B and Second Fireman, and that the Shunter gunners on some State Railways can be compared with Shunting Jamadars on some State Railways who are responsible for sorting and formation of trains in correct marshalling order under instructions from the Station Master

or Yard Master as also for the supervision of work of shunting porters, coupling porters etc. It might be mentioned here that the National Union of Port Trust Employees have been gone so far as to ask for running allowance also for categories who are not entitled to running allowance on the State Railways.

12. One other point may be dealt with. Reliance was placed on the remark of the Pay Commission that the rules regulating running allowance provide weightage for specially arduous running duties, slow moving trains, trains working on ghat-sections, ballast trains, etc. It is therefore urged that as Port Trust trains move slow the duties are arduous and running staff should also get running allowance. Now the facts are as follows: As can be seen from the manual published by the Western Railway, running staff working slow moving trains i.e. Transport Road Vans including SQT (Small quick transit trains) and shunting trains (pick up section) and those working on Ghat-Sections will be paid a mileage allowance as follows..... Running staff running department trains e.g. Ballast, Material, Breakdown and Relief trains will be paid..... It may be that some of these categories of work e.g. running slow on ghats etc. may be arduous, but work of this nature does not compare with conditions of running on the Port Railway which have been dealt with above. Moreover when the Unions rely on this point they overlook that as on State Railways running allowance is paid to firemen connected with moving trains, shunter drivers and firemen on shunting duties at terminals as they would be adversely affected if the running allowance paid to them as firemen while on duty connected with moving trains is not paid while working at shunting. To maintain parity of payment, interchangeability of staff for yard and main line work and operational flexibility the shunters and firemen on shunting duties are paid running allowance, so that they are not adversely affected. All these considerations do not apply to the Port Trust running staff.

13. For the foregoing reasons the demand for running allowance is without merit and is rejected. As regards the demand in respect of free passes and P.T.Os. I have already referred to the fact that all extraneous benefits in the Port Trust Railways and State Railways cannot be the same and in some respect the staff of the former are better off. As has been detailed in the statement of the Port Trust Commissioners this facility is given on the State Railways for historical reasons which have no application to the Port Trust Railway staff. The Government of India had referred the Industrial dispute in respect of this matter to the Central Government Industrial Tribunal in Ref. No. 1 of 1956. In the Award of the Tribunal published in Gazette of India Extraordinary, Part II, Section 3, dated 30th January 1958, we find the following:

"22. The practice of granting of Passes and P.T.Os. in the State Railway has a history behind it. The Railways were previously owned by private companies and like all benevolent employers who had transport business in the past allowed their employees to avail themselves of the transport facilities free. This was gradually extended over the transport arrangements of other companies by mutual arrangement. This arrangement was reciprocal and I presume that neither company had to make any cash payment for this arrangement. The settlement was made by book adjustment. Now when the Government took up the Railways, the Government thought it inadvisable to discontinue the privilege of the Railway employees which they had enjoyed for a long time. This privilege was allowed to continue but was not extended to Government employees of other departments. The Port Commissioners allow P.T.Os. once in a year to their Class IV employees to which the Yard Porters, Jamadars and Cabin Jamadars belong. If any additional benefit is given to the employees of the Railway Transportation Department there is every possibility of unrest in other departments. Besides free passes and P.T.Os. over foreign railways on the scale which is available to the employees under State Railways will involve additional costs. We are not aware of the financial implication of such additional burden. In my view any recommendation in this direction is considered inexpedient."

There is no reason for me to take a different view in this case. Moreover it is pertinent to note that the Second Pay Commission in Chapter XLIV has dealt with this question again and has, *inter alia*, stated, that—

"the travel privileges allowed to Railway employees are conspicuously extravagant, and in large part indefensible. The only reason or the semblance of reason, put forward in support of them is that they are traditional privileges of railwaymen. Apart from being a feeble

reason this is not wholly correct even factuallybut with the large measure of uniformity in remuneration and conditions of service brought about after the Varadachariar Commission's recommendations, and, in particular with the recent provision of pension for Railway employees, the other Central Government employees see little justification for the continued enjoyment of Railway employees of any special privileges."

"The Commission finally came to the conclusion that "there is in our view a clear case for a drastic curtailment of travel concessions allowed to State Railway employees". It is not known what orders have been passed by the Government of India on these recommendations. There is a strong case for curtailment of these privileges on the State Railways and no case whatsoever for extending these extravagant and unjustified concessions, originating in historical circumstances when State Railways were company managed and had reciprocal pass arrangements, to Port Trust Railway employees. The Commissioners already give some leave travel concessions referred to in paragraph 4 above and there is no case whatsoever for extending the benefits of free passes and P.T.Os. on State Railways to the Port Trust employees. The demand is rejected.

(Sd.) M. R. MEHER,

Bombay, the 29th July, 1965.

Industrial Tribunal.

[No. 28/80/64-LRIV.]

S.O. 2580.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to the Bombay Port Trust Bombay and their workmen which was received by the Central Government on 5th August, 1965.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY

REFERENCE CGIT No. 93 OF 1964

Employers in relation to the Bombay Port Trust, Bombay.

AND

The Bombay Port Trust General Workers' Union, Bombay

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

For the Bombay Port Trust—Shri M. R. S. Captain, Legal Adviser, with Shri R. K. Shetty, Deputy Legal Adviser.

For the Bombay Port Trust General Workers' Union—Shri S. Maitra, General Secretary.

Dated at Bombay, this 2nd day of August, 1965.

INDUSTRY: Major Port.

STATE: Maharashtra.

AWARD

1. Upon a joint application of the parties, the Central Government by the Ministry of Labour & Employment's Order No. 28/106/64/LR.IV dated 5th November, 1964, made in exercise of the powers conferred by sub-section 2 of section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947) was pleased to refer the industrial dispute between the parties above-named in respect of the subject matters specified in the following Schedule to the said order, to me for adjudication:—

SCHEDULE

"Whether having regard to the usual duties of fitters including Instrument Fitters in the Engineering Department of the Port Trust, the Bombay Port Trust Administration is justified in requiring Instrument Fitters

employed in the M.O.T. Section at Pir Pau and Butcher Island to operate the magneto and the P.&T. telephone switchboards, and if so, to what relief are the workmen entitled?"

2. After the reference was made, the B.P.T. General Workers' Union (hereinafter referred to as the Union) filed its written statement dated 30th November, 1964, to which the Bombay Port Trust (hereinafter referred to as the 'B.P.T.') filed a statement in reply dated 18th February, 1965. I had the benefit of inspecting along with the representatives of the parties, the work of instrument fitters employed in the M.O.T. Section at Pir Pau and Wadala Exchange on 4th June, 1965, after which the submissions of the parties were heard by me on 24th June, 1965.

3. The dispute covers only 16 instrument fitters out of a total number of about 594 fitters including instrument fitters, in the permanent schedule, of the Trust, working under its Chief Engineer. These sixteen are admittedly all non-scheduled employees of the B.P.T.

4. The Classification & Categorisation Committee (hereafter referred to as the C.C. Committee), was constituted by the Government of India, Ministry of Labour and Employment's Order No. 23-PLA(91)/58 dated 23rd August, 1958, for the Classification and Categorisation of Class III and Class IV employees of the Major Ports of India. The Committee was required to examine the duties and responsibilities of the various posts and fit them into one or the other of the scales of pay given in the schedule attached to the order in light of the scales of pay of posts with comparable duties and responsibilities in other departments of the Government. Now, both the B.P.T. and this Union, had, in their statements before the Committee, given particulars of the duties and responsibilities of fitters, including instrument fitters. The B.P.T. in its statement before the C.C. Committee (Serial No. 123 at page 48) had stated the following to be the duties and responsibilities of fitters, including instrument fitters:—

*"Indoor and Outdoor:—*To carry out fitters' or instrument fitters' work.

*Classification.—*Experience in the trade, passed a trade test.

*Method of Recruitment.—*By promotion from Assistant Fitter on the basis of seniority, suitability; otherwise direct recruitment."

The B.P.T. had proposed for them the then existing pay scale of Rs. 60--130.

5. This Union, in its statement before the C.C. Committee (Serial No. 222 page 59) had given the following particulars of the duties and responsibilities of fitters, including telephone instrument fitters, viz.

Giving a pipeline for repair of leakage,

Repair of leakage,

Maintenance of valves of pipelines,

Maintenance of parts and machinery of the Tank Farm at Butcher Island,

Repair of machines,

Operation of Switchboards and Telephone Exchange Boards, Radio Telephone Set,

Repair and maintenance of Overhead Lines,

Testing cables,

Going down underground panel for maintenance, of pipeline,

Repair of pipeline valves etc.,

The C.C. Committee, under page 2, Item No. 4 of the record of its public sittings held on 14-12-1960 had stated as follows:—

"Fitter (including Telephone Instrument Fitter) Serial No. 222 Shri Maitra pointed out that there were 594 fitters in the Engineering Dept. some of whom were telephone fitters. The Union was only concerned with the telephone fitters of Pir Pau and Butcher Island and those dealing with Diesel Engines and employed at Butcher Island, Pir Pau and Oil Pipe Line Section, numbering some 17 men. Their work

was of a highly skilled nature, as besides carrying out jobs of ordinary fitters, they have to work as telephone operators, telephone mechanics and radio telephone operators. The Union, therefore, desired that the telephone instrument fitters and the Diesel fitters should be fixed in the scale of Rs. 80—160."

The C.C. Committee, however, in schedule No. 1 at page 44 of its Report recommended the following three scales of pay under Serial No. 222 for "fitter, (including instrument fitter)"

Rs. 60—5/2—75

Rs. 75—3—105

Rs. 100—5—130

In the remarks column the C.C. Committee stated that they were to be placed, "in the scheme of 'skilled' scales."

6. The C.C. Committee made its report dated 28-5-1961, and the scales of pay fixed by it for the different posts, as shown in schedules 1 to 8 thereof, came into operation with retrospective effect from 1-10-1957.

7. As would happen in a report covering such a large number of categories and that too in respect of as many as six major parts of the country, certain anomalies in the scales of pay prescribed by the C.C. Committee came to be noticed which were referred for decision by the Central Government to Shri M. R. Maher, under Reference No. ITCG 1 of 1963, and in that reference by its statement dated 5-10-1963 the Union, *inter alia*, claimed the existence of an anomaly in the above scales of pay recommended by the C.C. Committee for the Assistant Telephone Instrument Fitters

8. Earlier, there was correspondence between the Union and the B.P.T. concerning the conditions of service of the staff employed at the M.O.T. including the question of the duties and responsibilities of instrument fitters. There had been a token strike on 14th September, 1962, and on 27th September, 1963, the Joint Assistant Secretary of the B.P.T. in his letter No. L/GAE/G(U)/3458 dated 27th September, 1963, addressed to the General Secretary of the Union, on the subject of the maintenance of magneto and automatic telephone exchange at M.O.T., Butcher Island, *inter alia*, informed the Union as follows:—

"I am directed to refer to your letter No. GWO/15-47-62 dated 14th September, 1962, regarding certain issues concerning the staff at M.O.T., including the duties and responsibilities of instrument fitters at Butcher Island and Pir Pau Manifold are as under, and that they should carry them out as is being done by the instrument fitters under the Electrical Foreman, Northern Division.

Then followed an enumeration of mine duties, the first of which was that they were required to operate the magneto switchboard and the P.&T. Telephone switchboard. Duties No. 2 to 6 referred to repairs and Item Nos. 7 & 8 and 9 provided as follows:—

7. Operation (i.e. giving connections to various extensions hand sets) to all the P.&T. switchboards to be installed.

8. Giving connections to all megneto switchboards, one at Butcher Island and Pir Pau Manifold and

9. Any other work incidental to the above.

The letter concluded by warning that any refusal to carry out the said duties and legitimate orders would render the employees liable for disciplinary action.

9. On 9-10-1963, the Assistant Secretary the B.P.T. addressed another letter to the General Secretary of the Union in which after referring to his letter of the 27th September, 1963, he stated that the following was also the duty of the instrument fitters:—

"Operation of the V.H.F. sets as and when required and giving assistance to the radio mechanic."

10. It appears that earlier the Union had by its letter dated 3rd November, 1958, addressed to the Chief Engineer, B.P.T., claimed for the instrument fitters working at Butcher Island the pay for 'B' scale clerks. Correspondence ensued between the Union and the Administration which has been annexed to the B.P.T.'s

written statement as annexure 'C'. In reply to the Administration's letter dated 3rd October, 1958, in which the demand of the Union was rejected, the Union by its letter dated 13th January, 1959, after recounting the duties which were then being performed by the instrument fitters, had stated as follows:—

"Under these circumstances unless effective steps are taken either to designate the existing persons working on Radio Telephone as Telephone Operators with a basic starting salary of Rs. 75, it is regretted that it will not be possible for them to continue to work as at present. We have, therefore, to demand that the Instrument Fitters can only be made to work as Fitters and not as Telephone Operators. The existing staff not being qualified on Radio or Wireless Telephones they should not be called upon for the maintenance purpose on Radio Instruments and the demand raised in our letter dated 3rd September, 1958 should be considered."

To this, the Assistant Secretary of the B.P.T. replied by his letter dated 11th May, 1959, in which, after clarifying the various duties of instrument fitters, he stated that if the Union desired to represent a case for re-classification of the job of instrument fitter, it should take it up with the Classification and Categorisation Committee. (See Ex. C to the B.P.T.'s written statement).

11. But, to revert to what happened after the administration had addressed its letter of 9th October, 1963, to the Union, according to the Union, as stated in para 11 of its written statement, as it could not agree with the enumeration of the duties and responsibilities of the Instrument Fitters as stated by the B.P.T., it had ignored its letter of 9-10-1963 and refused to accept the duties and responsibilities stated by the B.P.T. as being their duties and responsibilities. The Union has relied upon the duties of Instrument Fitters, as stated by the B.P.T., in its written statement before the C.C. Committee, and it has urged that if any changes in the same were to be legally effective, this should have been made after notice under section 9A of the Industrial Disputes Act, 1947. The Union has, therefore, urged in para 13 of its written statement that "the duties indicated by the B.P.T. Administration were held by the Union to be invalid and without any effect or force of law". The Union has argued that in its statement in Reference CGIT 1 of 1963 (before Shri M. R. Maher), the B.P.T. had stated the same duties and responsibilities of Instrument Fitters as it had stated before the C.C. Committee and the Union's contention is that the B.P.T. in its statement before the Maher Tribunal had not included the duties and responsibilities as indicated in their letter of 27th September, 1963. The Union has relied upon the following statement made by the B.P.T. before Shri Maher in para 21, sub-para 3 of its written statement with regard to the duties of Assistant Telephone Fitters:—

"The Calcutta category is highly skilled and bears no comparison with that of the Assistant Telephone Fitters of Bombay. The latter's duties are mainly to assist the Instrument Fitters in their work relating to repairs and giving connections to telephone instruments."

The Union, relying upon this written statement, has contended that the B.P.T. had not claimed that it was part of the duties and responsibilities of instrument fitters to operate telephone exchanges, telephone switchboards, or do any other work similar to that of telephone operators.

12. The Union, in para 18 of its written statement, has urged that the proper comparison of the Fitters, including Instrument Fitters, should be with the Fitters of the Bombay Telephones, whose scale of pay is Rs. 110—180, and whose duties and responsibilities are generally repairs of telephone instruments and switchboards only, and who are not called upon to undertake any operation of switchboards. The Union, has, in fact, gone further and claimed that the Instrument Fitters, of the B.P.T. are doing all the work of Fitters, Cables-jointers, and Linesmen of the Bombay Telephones, and in addition, they are called upon to operate telephone switchboards. In its written statement, the Union has given detailed particulars of the switchboards at Butcher Island, Pir Pau, Wadala and Mallet Bunder, and also the duties which the Instrument Fitters perform on these telephone switchboards. It is only necessary for the purposes of this case to mention that at Butcher Island, there is one 20-Line Magneto Switchboard and one P.A.X. Switchboard, ten lines of 50 extensions; and at Pir Pau there is one 20-Line Magneto Switchboard with 20 extensions all under operation and one P.A.X. Switchboard, 5 lines of 20 extensions. The Union has stated that the staff at these two places are required to carry out the work of repairs and maintenance as also attend to the telephone instruments, switchboard, overhead lines, cables, etc. The Union has next urged that except for these Fitters and

Telephone Instrument Fitters, other employees of the B.P.T. who are called upon to operate telephone switchboards are designated as clerks and paid in one or the other of the following scales of pay:—

(a) Telephone Clerk-Outdoor	} Rs.	110—4—150—EB—4—170—5—180—
(b) Telephone Clerk-Grade II		EB—5—200"
(c) Telephone Clerk-B Scale		

(d) Telephone Clerk-Docks Dept.	Rs.	130—5—160—8—200—EB—8—250—
		EB—8—280—10—300

The Union has stated that as compared to this, the Assistant Telephone Instrument Fitters and the Telephone Instrument Fitters who are to undertake the laying of overhead cables, intercom lines, maintenance of telephone lines, switchboards, telephone instruments, and also perform their duties and responsibilities of telephone operators, are at present paid in the scale of:—

- (a) Assistant Telephone Instrument Fitter: 85—2—95—3—110.
- (b) Telephone Instrument Fitter: (1) 110—3—131
(2) 125—3—131—4—155
(3) 150—5—180.

It has further pointed out that for the Telephone Instrument Fitter before he could go from the stage of 110—3—131 to the higher stages, he is required to appear for a proper trade test and examination. The Union has submitted that from what has been stated above and from the comparison of the duties and responsibilities of Fitters including Telephone Instrument Fitters of the B.P.T. and those employed in the Bombay Telephones, Railways, and Aviation Departments, it would be seen that the Telephone Instrument Operators at other places are not called upon to undertake the operation of the telephone switchboards, and that there are no other establishments where Instrument Fitters are called upon to work as Telephone Clerks. The Union has submitted that it is only under the B.P.T. that the Telephone Instrument Fitters are not only called upon to work as Instrument Fitters but also as Telephone Clerks.

13. The Union has claimed that under section 16 of the Minimum Wages Act, it is not permissible to the B.P.T. to take these double duties from the Telephone Instrument Fitters, without payment of proper remuneration. According to the Union, the work of carrying out repairs and maintenance of telephone instruments and the telephone switchboard is one class of work and the operation of the telephone switchboard is another class of work, the latter being the work of a Telephone Clerk, and as both these classes of work were being taken from the Telephone Instrument Fitters, it was incumbent on the B.P.T. under the statutory provisions of the Minimum Wages Act, to pay the Fitters including Telephone Instrument Fitters the scale of pay that is payable to Telephone Clerks, wherever the Telephone Instrument Fitters are required to work as Telephone Clerks. The Union has further submitted that even assuming that the Telephone Instrument Fitters have been traditionally doing both the work of maintenance and repairs and also the work of Telephone Clerks, there was no justification for the argument that the statutory provision of the Minimum Wages Act can be ignored. It has submitted that the fact that the Telephone Instrument Fitters had been performing the duties and responsibilities of maintenance and repair of telephone instruments, switchboards, telephone lines, telephone cables, etc. as also operating the Telephone switchboards and functioning as Telephone Clerks strengthens its claim that they deserve to be adequately remunerated. It is urged that by taking both these classes of duties from the Telephone Instrument Fitters, the B.P.T. had been making considerable use of their service, and could in justice be asked to pay some additional remuneration to these employees.

14. The Union has also relied upon the provisions of Article 14(b) of the Bombay Port Trust Digest of Pay and Allowances Leave and Compensation Rules, IX Edition, corrected upto 31st May, 1963, which provides that:—

"Officer or servant cannot be appointed substantively except as a temporary measure to two or more permanent posts at the same time."

The Union has contended that as the post of Telephone Instrument Fitter is a permanent post, the Instrument Fitters could not be called upon to act as

Telephone Clerks. The Union has also urged that under Article 70 of the Digest, the Telephone Instrument Fitters are entitled to higher scales of pay, as their duties and responsibilities are of greater importance, when called upon to work and function as Telephone Clerks, than those attached to the post held by them substantively as Telephone Instrument Fitters. On these grounds the Union has submitted that (i) it is not the usual duties of Fitters including Telephone Instrument Fitters to work as Telephone Operators, and consequently it should be held that the Administration is not justified in requiring Instrument Fitters employed in the M.O.T. at Pir Pau, Butcher Island to operate the magneto and P. & T. switchboards and (ii) that if exigencies of work requires that these fitters should operate the switchboards, the Port Trust Administration should fix their scales of pay at Rs. 130—5—160—8—200—EB—8—256—EB—8—280—10—300.

15. I may at the outset state that the Digest of Pay and Allowances Leave and Compensation Rules do not apply to the Telephone Instrument Fitters as they are admittedly non-scheduled staff and therefore the Union's reliance upon the provisions of the Digest cannot support its claim.

16. The B.P.T. in its lengthy written statement dated 18th February, 1965, has, at the outset, with a view to clarifying the correct position, stated (i) that the dispute relates only to Telephone Instrument Fitters employed in the Marine Oil Terminal at Pir Pau and Butcher Island of the Engineering Department of the B.P.T., and that the reference to fitters in the terms of reference is uncalled for and superfluous. The Union too in its written statement has stated that the dispute concerns only 16 men who are employed as Telephone Instrument Fitters. Therefore, it is clear that both the parties are agreed that the dispute relates to Instrument Fitters, namely Telephone Instrument Fitters employed in the M.O.T. at Pir Pau, Butcher Island of the Engineering Department of the B.P.T. (ii) The B.P.T. has submitted that the magneto switchboard referred to in the terms of reference is an old type of switchboard, whereas the P. & T. switchboard is an advanced form of it installed by the Posts and Telegraphs Department, and (iii) that the question under reference, namely, whether or not it is the duty of the Telephone Instrument Fitters to operate the magneto and P. & T. Telephone switchboards at Pir Pau and Butcher Island, is under the terms of reference to be decided, having regard to their usual duties. In my opinion, all these three submissions are, in terms of the reference, quite correct. It is further necessary to note that these 16 Instrument Fitters are all non-scheduled employees of the B.P.T.

17. Now, the first question that falls for determination is what are the usual or normal duties of these Instrument Fitters, because the demand of the Union has, under the terms of the reference, to be decided only on the basis of their usual duties. It is admitted, and on this considerable stress has been laid by the B.P.T., that in its statement before the C.C. Committee, the Union had, in describing the duties of the Instruments Fitters, clearly stated that operating the magneto was one of their normal duties. As contained in Ex. A annexed to the B.P.T.'s statement, the C.C. Committee has recorded the Union's version of the duties and responsibilities of Fitter, including Instrument Fitter, as extracted above (and I re-produce the same again as they are vital to the decision of the case), being as follows:—

"Checking of Pipe line for any leakage, repair of leakage, maintenance of valves on pipe line, maintenance and operation of machineries in the trunkform at Butcher Island, Repairs of machines operation of switchboard, telephone exchange board, radio telephone set, repair and maintenance of overhead lines, testing cables, going down underground tunnel for maintenance of pipe line, repairs of pipe line, valves etc. make connection of pipes, replacement of valve and pipes."

This the Union had done to claim the higher scales of pay of Rs. 80—160 which it had claimed as being the proper scales of pay commensurate with the duties which the Instrument Fitters were discharging. This becomes particularly important because under the terms of reference, the first question which has to be decided is whether on the basis of the usual and normal duties that the Instrument Fitters have been discharging, the Administration is justified in requiring them to operate the Magneto and the P. & T. switchboards at Butcher Island and Pir Pau. Now, during my inspection I found that at Pir Pau, the Magneto switchboard was in fact being operated by the Instrument Fitters, but they were refusing to operate the P. & T. switchboard (PBX switchboard) which was installed in September, 1964. There is really not much difference between operation of the Magneto switchboard and the PBX switchboard. It was admitted at

the inspection that the PBX switchboard was not being operated not because the Instrument Fitters were finding it difficult to operate it or because they had no time to operate the same. In fact at the very outset of the hearing Shri Maitra very frankly admitted that his case was not that the Instrument Fitters could not operate the Magneto/PBX switchboards because they had not time to do so or because of pressure of work, but that they object to Instrument Fitters being asked to operate these two switchboards because they consider that this work is in addition to their normal duties as Telephone Instrument Fitters. But in the statement filed by this very Union before the C.C. Committee, it had stated that the operation of the Magneto Switchboard, telephone switchboard and radio telephone set was the normal duty of these workmen. It appears that at Butcher Island the Instrument Fitters refused to operate the Magneto switchboard which was commissioned in September, 1962, whilst at Pir Pau they refused to operate the PBX switchboard which was installed on 14th September, 1964. I was told at the hearing that at the workshop the Telephone Instrument Fitters operate the PBX switchboard between 8 a.m. and 10-30 a.m. and also operate the PBX switchboard on holidays, offdays and work holidays. At Wadala, which place we inspected, a 'B' scale Time-keeper in the scale of Rs. 110—200 operates the Magneto switchboard with 100 lines of which 28 were in operation. He also operates the PBX switchboard with 3 lines and 9 extensions out of which 3 lines 2 extensions were working. It was also noticed that this man attends to the automatic telephone and maintains logbooks and passes on messages received. It is no doubt true that the operator-in-charge does not attend to any defects of repairs and maintenance of the instrument, but it is to be remembered that at Wadala there is only one person in charge of each shift, whilst at Pir Pau there is a mazdoor provided in the day shift to assist the two Instrument Fitters to clean the instrument and for general assistance. I may mention that at Wadala there was an automatic communication (S.A.X.) system between Pir Pau Wadala and Butcher Island prior to the installation of the PBX switchboard, and the same was being maintained by the Assistant Telephone Instrument Fitter. It was further pointed out that the S.A.X. switchboard at Wadala, being automatic, is not required to be repaired by the Telephone Instrument Fitters, as major repairs are carried out by the Indian Telephone Industries, and only minor faults are required to be attended to by the Telephone Instrument Fitters. But all this apart the fact that before C.C. Committee and before Shri Maher in reference No. I.T.C.G. 1 of 1963, the Union had categorically stated that it was part of the duty of these Instrument Fitters to operate the Magneto switchboard, telephone exchange board and the radio telephone set, and having based their claim for higher pay on the basis of those duties they cannot now be heard to say that it is not part of their usual or normal duties to operate these switchboards and refuse to operate them. As pointed out by Shri Shetty, the learned Deputy Legal Adviser of the B.P.T. there seems to be no method in the refusals of the Telephone Instrument Fitters to attend to the various switchboards at different work places. Furthermore it is not denied that the Telephone Instrument Fitters at Butcher Island and at Pir Pau are not required to do any clerical or writing work. Therefore, their claim to be considered at par with Telephone Clerks would not be justified. No doubt, it is the duty of these Instrument Fitters to carry out repairs to the pipeline, maintain valves, repair and maintain overhead lines, test cables, etc. This no doubt is the work of Fitters, but the work of operating the switchboards is so simple and considering that they have been doing it as part of their normal duties it must lead to the only conclusion that it is part of their usual and normal duties to do them and that the B.P.T. is justified in asking them to operate the switchboards. In fact, before the C.C. Committee the Union's reasons for claiming higher scales of pay were that the Instrument Fitters were highly skilled workmen who not only worked as Fitters but also as Telephone Operators, Telephone Mechanics and Radio Telephone Operators, and it was on that basis that a claim for a scale of Rs. 80—160 was made. (See Ex-A to the B.P.T.'s written statement). The C.C. Committee must be deemed to have taken these duties into consideration when classifying and categorising the Instrument Fitters in the proper scale of pay, and Shri Maher in removing the anomaly under reference No. ITCG-1 of 1963. In view of the facts stated above, it is difficult to hold that the operation of the Magneto and PBX switchboards is not part of the usual duties of the Telephone Instrument Fitters. I, therefore, hold that having regard to the usual duties of Fitters, including Telephone Instrument Fitters in the Engineering Department of the Port Trust, the Administration is justified in requiring the Telephone Instrument Fitters employed at the Marine Oil Terminal at Butcher Island and Pir Pau to operate the Magneto and P. & T. telephone switchboards.

18. Now, I shall deal briefly with some of the other points raised by the Union. The Union has argued that under provisions of the Minimum Wages Act it is

entitled to claim additional wages, but in my opinion, there has been no violation of the Minimum Wages Act, as the operation of the switchboards was as admitted by this Union before the C.C. Committee part of their normal duties, and had, therefore become an implied term of their contract of service, and the wages for their posts were fixed by the C.C. Committee and the anomalies therein rectified by Shri Meher on the basis of these being part of the normal duties.

19. For the same reason, I am also not satisfied that there has been any violation of the provisions of 9A of the Industrial Disputes Act, 1947. In my opinion no notice of change, in the circumstances stated above, was called for.

20. I am also not satisfied that there is any valid comparison with the Telephone Operators of the Bombay Telephones and these workmen. It may be mentioned that the work of operation of the switchboard at Mallet Bunder is, in fact, done by an Assistant Telephone Instrument Fitter.

21. I accept the B.P.T.'s statement that the duty list filed by it before the C.C. Committee was not exhaustive. I have reproduced the B.P.T.'s statement of the duties and responsibilities as filed by it before the C.C. Committee, and it is clear there from that the list of duties stated there were in general terms and were not particularised, and therefore, could never be considered to be exhaustive. What is important is not what the B.P.T.'s has stated before the C.C. Committee and the Maher Tribunal, but what the Union had claimed was their duties and responsibilities particularly when in actual practice these Instrument Fitters were operating at one place or the other one or the other of these two types of switchboards. In fact, even with regard to the Assistant Telephone Instrument Fitters' duties, the Union had stated that one of their duties was to operate the switchboard independently (See Ex. A). Surely, if that was the normal duty of the Assistant Telephone Instrument Fitter, the Telephone Instrument Fitter cannot claim higher pay for doing that work.

22. Shri Maitra has sought to argue as if the duties specified in the B.P.T.'s letter dated 27th September, 1963, were not the normal duties of the Telephone Instrument Fitter. I think what the B.P.T. has stated in its letter of 27th September was complimentary to the duties of Telephone Instrument Fitters enumerated by it in paras 6, [(i) & (ii)] of its written statement, and were not additional duties, as urged by the Union. In this case, as frankly admitted by Shri Maitra, it is not as if the Telephone Instrument Fitter cannot, during the course of his duty hours, also operate both the Magneto and P.B.X. switchboards. The claim for higher pay is made on the ground that this is additional work, which is not their normal duties, but as stated earlier, it is clearly established that the Union had claimed this work of operating the Switch Board, to be part of their normal duties and as such, the claim for some additional pay must be held to be unjustified.

23. In the overall result, I hold that having regard to the usual duties of Fitters, including Instrument Fitters in the Engineering Department of the Bombay Port Trust, the Port Trust Administration is justified in requiring Instrument Fitters employed in the M.O.T. sections at Pir Pau and Butcher Island to operate the magneto and the P. & T. telephone switchboards, and that they are not entitled to any relief.

24. No order as to costs.

[No. 28/106/64-LRIV.]

(Sd.) SALIM M. MERCHANT,

Presiding Officer.

S.O. 2581.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to M/s. Dharsi Moolji, Bombay and their workmen which was received by the Central Government on 5th August, 1965.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY.

REFERENCE No. CGIT-102 of 1964.

Employers in relation to M/s. Dharsi Moolji, Bombay.

AND

Their Workmen.

PRESENT:

Shri Salim M. Merchant,—*Presiding Officer.**For the Employers.*—Shri B. M. Bhatt, Labour Adviser with Shri M. S. Mahatre, instructed by Shri K. S. Shah, Accountant.*For the Transport and Dock Workers' Union.*—Shri S. R. Kulkarni, Secretary with Shri I. S. Sawant.*Dated at Bombay this 2nd day of August, 1965.*

INDUSTRY: Major Port.

STATE: Maharashtra.

AWARD

On the joint application of the parties above named, dated 2nd November, 1964, the Central Government by its Order No. 28/113/64-LRIV dated 9th December, 1964, made in exercise of the powers conferred by sub-section 2 of section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947) was pleased to refer the industrial dispute between the parties above named in respect of the subject matters specified in the following schedule to the said order, to me for adjudication:—

“What interim increase in the rates of dearness allowance and/or wages should be granted to the daily rated and monthly rated categories of Dock Staff and workmen employed by Messrs Dharsi Moolji, Bombay and from what date?”

2. Messrs Dharsi Moolji (hereinafter referred to as the ‘Company’) Bombay, are contractors for Messrs Mackinnon Mackenzie and Co., Ltd., for unloading and stocking cargo discharged by vessels from the Persian Gulf and African Ports, to which they supply labour and materials such as sewing thread, nails, etc., for the purposes of their contract work. The Company has stated that in all it employs about eighty shivnars, palewallas, palewallis, carpenters and clerks, who work as delivery clerks and sorters, whilst the Union’s claim is that it employs in all one hundred such workmen.

3. There have been two earlier industrial disputes between this company and its workmen which were adjudicated upon by me. In the first dispute—Reference No. CGIT-46 of 1962—by my award dated 6th September, 1963, I granted an increase of 38 paise per day in the wages of these workmen, to bring their wages in line with the wages paid by Stevedoring firms in Bombay and the Dock Labour Board. In the second dispute Reference No. CGIT-25 of 1963—by my award dated 31st October, 1963, I increased the wages of delivery-clerks by 15 per cent for those who had put in more than 10 years’ service and by 10 per cent for those who had put in less than 10 years’ service. This increase was also made applicable to the daily rated delivery-clerks. Thereafter, doubts and difficulties arose as to the correct interpretation of the directions in my award dated 6th September 1963 in reference No. CGIT-46 of 1962, the doubt and difficulty being whether the daily rated workers who were granted a rise of 38 paise per day were also to get the rise granted by my latter award dated 31st October, 1963, in reference No. 25 of 1963. This dispute was referred to my adjudication under section 36A of the Industrial Disputes Act, 1947, where I held that the daily rated delivery-clerks who accepted and were paid a rise in wages granted by my award dated 6th September, 1963, were also entitled to get the increase indicated in my award dated 31st October, 1963.

4. I may here state that at the hearing of the earlier dispute before this Tribunal, the Company had urged as it has urged in the present dispute, that it does not have the financial capacity to pay higher wages or grant better terms and

conditions of service unless its principals, Messrs Mackinnon Mackenzie and Co., Ltd., grants a corresponding increase in the contracted rates. But I have found from past experience that every time this Tribunal has granted increased wages or other benefits to its workmen, the Company has been able to secure an increase in the rates paid to it by its said principals. In fact, I had in my award dated 31st October 1963 in Reference No. 25 of 1963, made an observation to that effect.

5. It appears that on 6th August 1964, the Union made a claim demanding an increase in the existing rates by at least 25 per cent of the wages, with effect from 1st April 1963. To this the Company sent no reply, and the Union thereupon referred the dispute for conciliation by its letter dated 3rd September, 1964. It appears that at the conciliation proceedings on 2nd January, 1965, a settlement was reached on several other demands made by the Union, but Clause 11 of the Terms of Settlement (Ex. E-1) specifically provides as follows:—

"This agreement is arrived at without prejudice to the contentions of both the parties in Reference under Government order No. 28/113/64-LRIV dated 9th December, 1964, a copy of which is enclosed herewith."

6. There seems to have been yet another industrial dispute regarding the charter of demands, including a demand for minimum rates of wages, rise in wages, provident fund, gratuity, leave with pay, holidays, etc., submitted by the Union, for the daily rated workers, which was referred for arbitration, under the Code of Discipline in Industry, to Shri S. M. Dikhale, Regional Labour Commissioner (Central), Bombay, who gave his award on 4th March, 1965. With regard to demand No. 11 on wages, it was specifically provided that the demand for increased wages was not pressed by the Union in view of the appointment of a Wage Board for the Dock and Port Workers, and the Arbitrator therefore did not think it necessary to give any award thereon. (See Ex. E-2 and its annexures). It will thus be seen that the demand under reference which was made on a joint application of the parties dated 2nd November, 1964, has been specifically preserved and continued, as not being covered by the terms of subsequent settlements reached on other demands made by the Union.

7. Now, the Union, in support of the demand under reference, has urged the following grounds:—

1. that since my previous award were made, the Government of India has increased the Dearness Allowance of its employees under notifications dated 13th February, 1964 and 8th May, 1964; that under the first notification the Central Government increased the dearness allowance of its employees as follows:—

<i>Pay</i>	<i>Increase in D.A.</i>
Rs. 110	Rs. 2
Rs. 110 and above-Below Rs. 150	Rs. 5
Rs. 150 and above-Below Rs. 210	Rs. 5
Rs. 210 and above-Below Rs. 300	Rs. 10

that this increase was granted retrospectively from 1st July, 1963. Under the second notification of 8th May, 1964, the Government of India further revised the rates of Dearness Allowance by granting the following increases, with retrospective effect from 1st February, 1964:—

<i>Pay</i>	<i>Increase in D.A.</i>
Rs. 110	Rs. 3.50
Rs. 110 and above-Below Rs. 150	Rs. 5.50
Rs. 150 and above-Below Rs. 210	Rs. 7.00
Rs. 210 and above-Below Rs. 300	Rs. 10.00

2. the Bombay Dock Labour Board and other stevedoring companies in Bombay have accepted this increase recommended by the Government and have paid to their employees increased dearness allowance at these revised rates.

3. that the increase in dearness allowance is also justified because the Lakdawall Committee had found that the Maharashtra Government Index Number was not properly computed and should have been higher by many more points.

The Union has submitted that the existing rates of wages and/or dearness allowance payable to the workmen of this Company should in all fairness be increased to bring them in line with the wages and rates of dearness allowance paid to similar categories of employees working in the same industry in Bombay; that this principle of region-cum-industry as laid down by the decisions of the Supreme Court was being followed by all industrial establishments. It has submitted that the ground of financial incapacity pleaded by the Company should not be attached undue weight, because everytime an increase in wages was granted, the Company had been able to secure an increase in its rates from its principals, that in any case the company has the capacity to bear the financial burden of such increase in dearness allowance as would be deemed justified. The Union has, therefore, submitted that the increase of 25 per cent claimed by it should be granted if not from 1st April, 1963, at least from 1st July, 1963.

8. The Company, by its written statement dated 16th March, 1965, as also at the hearing, has submitted that it has no capacity to pay any higher wages and that the fact that the Central Government and the Port Trust and other employers of labour in the Bombay Docks had given some rise in dearness allowance to their employees did not justify this Company being called upon to pay anything more to its workmen, because those increases had been granted without any scrutiny by any judicial authority. It has pleaded that the award of Shri Dikhale dated 4th March 1965 had imposed a substantial financial burden of a recurring nature on the Company. It has, therefore, submitted that no case has been made out for any rise in the wages of its workmen, and that consequently the demand should be rejected.

9. I may state that Shri Bhatt had, at the earlier hearing of this dispute on 11th June, 1965, urged a preliminary objection questioning the validity of this reference but at the hearing on 22nd June, 1965 he withdrew his objection and both parties made their submissions on the merits.

10. I am satisfied that a case has been made out for an increase in the wages of the workmen covered by this reference, for the simple reason that it is admitted that since July 1963 to March, 1965, a marked increase has taken place in the cost of living index number, which has been compensated by other employers in the same industry in Bombay by increase granted from time to time during that period, in the amount of dearness allowance paid by them to their employees. The All India Consumer Price Index Number (General) (1949=100) was 135 in July 1963 and rose to 159 for March 1965. It is admitted that the Central Government has granted an increase in dearness allowance to its employees between July 1963 and March 1965 amounting to Rs. 18 per month or Rs. 0.70 paise per day. Similar increases have also been granted to their employees by stevedoring firms in Bombay.

11. It is no doubt true that the Central Wage Board for the Port and Dock Workers has by its interim recommendations dated 9th April 1965, granted interim wage increases amounting to Rs. 7.80 per month, and the Union claims that this Company is also liable to pay the same. But this increase has been granted by the Central Wage Board over the wages that were existing on the date it made its interim recommendations, i.e., 9th April 1965, by which date the employees of stevedore firms in Bombay had got substantial increases in their wages by way of increase in dearness allowance. In these facts and circumstances, I am satisfied that the workmen of this Company are entitled to an increase in their rates of wages. In my opinion, considering the increase that has taken place in the cost of living index number since the last revision was granted in 1963 in the rates of wages of the employees of this Company, and considering the increase in dearness allowance which has been granted by the stevedore employers in Bombay Docks, the least that this Company can be asked to pay should be an increase by way of dearness allowance of Rs. 12.50 per month, to both its daily rated and monthly rated workmen. The Central Government granted to its class IV i.e., its lowest paid employees an increase of Rs. 12.50 between October 1963 and March 1965, and this is the least the Company can be asked to pay to its employees—both daily rated and monthly rated, under reference.

Considering that the demand was made on 6th August, 1964 and the joint application was made on 2nd November, 1964 and the reference by Government of this dispute is dated 9th December, 1964, I think the fair thing to do would be to grant the increase of Rs. 12.50 per month to the monthly rated and Rs. 00.48 paise per day for the daily rated with effect from 1st December, 1964, such payment to be made one month from the date this award becomes enforceable.

12. I may make it clear that this payment is without prejudice to the rights of the Union, which at the hearing it stated it had, of claiming the benefit of the interim wage increase recommended by the Central Wage Board for the Port and Dock Workers at Major Ports.

13. No order as to costs.

Sd./- SALIM M. MERCHANT,
Presiding Officer.
Central Government Industrial Tribunal,
Bombay.

[No. 28/113/64/LRIV.]

HANS RAJ CHHABRA, Under Secy.

ORDER

New Delhi, the 10th August 1965

S.O. 2582.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Singareni Collieries Company, Limited, Kothagudium and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, with Dr. Mir Siadat Ali Khan as the Presiding Officer, with Headquarters at Somajiguda, Hyderabad, and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

- (1) Whether the demand of the Clerk Shri K. Venkateswara Rao, Clerk, Payroll Section, Head Office, Singareni Collieries Company, Limited, Kothagudium for placing him in the grade of Rs. 40-4-60—EB-5-100 with effect from 1st July 1949 as per Jadav Award is justified?
- (2) If so, to what relief is the workman entitled?

[No. 7/15/65-LR. II.]

H. C. MANGHANI, Under Secy.

ORDERS

New Delhi, the 10th August 1965

S.O. 2583.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bombay Port Trust, Bombay and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

- (1) Whether the action of the management in treating Shri Malayya Ratnayya, Nawganl Wagon Repair Shop, Engineering Department, Bombay Port Trust Bombay senior to Shri Babulal Nohar, Holderman of the same department for the purposes of officiating or promotion to the isolated post of Fitter (Sick Siding) is justified?
- (2) If not, to what relief is Shri Babulal Nohar entitled?

[No. 28/70/63-LRIV.]

S.O. 2584.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Group Office, Norwich Union Fire Insurance Society Limited; Scottish Union and National Insurance Company and Maritime Insurance Company Limited, Bombay and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

- (1) Whether the demand of the workmen in the Group Office-Norwich Union Fire Insurance Society Limited, Scottish Union and National Insurance Company and Maritime Insurance Company Limited for raising the retirement age from 58 to 60 years is justified?
- (2) If so, to what extent and from which date it should take effect?

[No. 70(11)/64-LRIV.]

New Delhi, the 11th August 1965

S.O. 2585.—Whereas the employees in relation to the Bombay Port Trust Bombay and their workmen represented by the Bombay Port Trust Employees' Union, Bombay have jointly applied to the Central Government for reference of an industrial dispute that exists between them in respect of the matter set forth in the said application and reproduced in the Schedule hereto annexed to a Tribunal;

And whereas the Central Government is satisfied that Bombay Port Trust Employers' Union represents a majority of the workmen.

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act 1947 (14 of 1947) the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether the work of tightening and loosening the weight screws of the hydraulic cranes is a part of the normal duties of the Fitters of the Hydraulic Establishment at Prince's and Victoria Docks or of the Mazdoors, Nowganees, Nowganees (Jib Head Pully) and Chain Boys of the Establishment. If it is held that such duties are not a part of the normal duties of the workmen in either of these groups to what relief are the workmen concerned entitled for doing this additional work and from what date?

[No. 28/57/65/LRIV.]

S.O. 2586.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to M/s. Vinsons, Bombay and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay constituted under section 7A of the said Act.

SCHEDULE

Whether the management of M/s. Vinsons, Bombay is justified in dismissing Shri Rambali, permanent peon? If not, to what relief is he entitled?

[No. 28/71/65-LRIV.]

HANS RAJ CHHABRA, Under Secy.

New Delhi, the 11th August 1965

S.O. 2587.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Bankola Colliery, Post Office Ukhra, District Burdwan and their workmen which was received by the Central Government on the 4th August, 1965.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE NO. 93 OF 1963.

PARTIES:

Bankola Colliery, P.O. Ukhra, District Burdwan.

Vs.

Their workmen.

PRESENT:

Shri Raj Kishore Prasad, M.A., B.L.,—Presiding Officer.

APPEARANCES:

For the Employers.—Sarvashri D. Narsingh, Advocate and J. L. Sinha, Group Personnel Officer.

For the Workmen.—Sarvashri Kalyan Roy, and T. N. Srivastava, Treasurer, Colliery Mazdoor Sabha.

STATE: West Bengal.

INDUSTRY: Coal

Dated, Dhanbad, the 30th June, 1965

AWARD

By its Order No. 6/26/63-LR.II, dated the 27th November, 1963, the Government of India, Ministry of Labour and Employment, referred under Section 10 (1)(d) of the Industrial Disputes Act, 1947, to this Tribunal for adjudication, an industrial dispute existing between the employers in relation to the Bankola Colliery and their workmen in respect of the matters specified below:—

“Whether the dismissal of Sarvashri Badul Bowri and Kalo Bowri, Pick Dressers of Bankola Colliery, from the 27th February, 1963 is justified? If not, to what relief the workmen are entitled?”

2. The management filed its written statement on 19th December 1963, whereas, on behalf of the concerned workmen, Colliery Mazdoor Sabha, through its Organizing Secretary, filed a written statement on 13th May 1965.

3. The case of the management was that the two concerned workmen were detected by the Agent travelling through No. 5 Haulage Incline, which was prohibited and was a serious violation of the Mine Regulations and for this misconduct charge-sheets were issued against the two workmen concerned to which they replied and admitted their misconduct. Thereafter, a domestic enquiry was held at which the misconduct of the concerned workmen was established on the evidence, apart from their admissions of their own guilt, and, therefore, they were dismissed.

4. The case of the union, on behalf of the concerned workmen, was that the two concerned workmen were working in the colliery from a very long time very sincerely and obediently, but they incurred the dis-pleasure of the management for joining the union for which they were charge-sheeted on 1st February 1963 for certain breach of the Mines Act and an enquiry was held but the said enquiry was a farce and the Agent took advantage of the illiteracy of the concerned workmen and thereafter they were dismissed and as such their dismissals were unjustified and illegal and in utter violation of the principles of natural justice and amounted to unfair labour practice and their punishment was harsh and grossly exclusive.

5. The management was represented by Sarvashri D. Narsingh, Advocate, and J. L. Sinha, Group Personnel Officer, whereas, the union was represented by Sarvashri Kalyan Roy, Vice-President, and T. N. Srivastava, Treasurer, Colliery Mazdoor Sabha, for the workmen concerned.

As Shri Roy objected to the appearance of Shri D. Narsingh, Advocate, he was disallowed from representing the management and thereafter Shri J. L. Sinha, Group Personnel Officer, conducted the proceeding before the Tribunal.

6. Documents were filed by both the parties and they with mutual consent, were taken in evidence. Documents for the Company were marked Exts. M to M-26 and the only document filed by the union was marked Ext. W.

Both the parties examined witnesses on behalf of the management, Shri D. B. Gupta, Enquiry, was examined as M.W.1, Shri John Kilpin Talbat, Agent of the Colliery, was examined as M.W.2 and Shri Sudhir Kumar Mukherjee, Labour Bureau Clerk of the Colliery, was examined as M.W.3. On behalf of the workmen, Shri Kalo Bowri, one of the two concerned workmen, was only examined as W.W.1.

7. In order to decide the points arising in the case, it is necessary to know the material facts, upon which both the parties have relied. These facts stated briefly in their chronological orders with dates and exhibit marks are as follows:

31st January 1963: The two concerned workmen were seen coming out of No. 5 Haulage Incline at 6.30 a.m. by the Agent, Shri John Kilpin Talbot (M.W.2), who was followed by the Overman, Shri M. C. Chakravorty, whose statement at the enquiry is Ext. M.3.

1st February 1963: Charge-sheets (Ext. M. and M. 1) were issued to the two concerned workmen by the Manager of the colliery.

2nd February 1963: In their replies Exts. M and M.1 to the Charge-sheets, Exts. M. and M.1, both the concerned workmen admitted that they came out of the mine on 31st January 1963 through the haulage Incline road and, therefore, they requested for being excused for this time and promised that they will not do such mistake in future. These replies are noted on the charge-sheets (Exts. M. and M.1).

5th February 1963: Notices (Exts. M-6 and M-7) were issued to the two concerned workmen informing them that the enquiry will be held on 6th February 1963 at 4 p.m. at the Manager's office.

6th February 1963: The enquiry was held by Shri D. B. Gupta, Welfare Officer (M.W.1). At this enquiry, the statements of Shri M. C. Chakravorty, Overman, (Ext. M.3); of Shri Kalo Bouri—one of the two concerned workmen (Ext. M.4); and of Shri Badal Bouri, the other concerned workman, (Ext. M.5) were recorded by M.W.1—the Enquiry Officer, and, thereafter, the Enquiry Officer (M.W.1) submitted his enquiry report Ext. M-2, finding the charges under Standing Order No. 27(19) proved against the two accused.

27th February 1963: (a) An application for approval under Section 33(2)(b) of the Act (Ext. M-13) was made by the management before the Calcutta Industrial Tribunal; and,

(b) Two letters (Exts. M-8 and M-9) were issued by the manager to the two concerned workmen informing them that as their misconduct has been established at the enquiry and they also admitted their misconduct, their services will stand dismissed with effect from 28th February 1963.

28th February 1963: The two concerned workmen were dismissed as per the two letters (Exts. M-8=M-20 and Ext. M-9=M-21).

17th July 1963: The application for approval made by the Management was allowed by the Calcutta Industrial Tribunal as it will appear from its order (Ext. M. 10).

28th August 1963: The Colliery Mazdoor Sabha sponsored the dismissal of the two concerned workmen and sent a representation to the Conciliation Officer (Central), Raniganj.

24th September 1963: Conciliation failed, and therefore, the Conciliation Officer submitted his Failure Report.

27th November 1963. Present Reference was made by the Central Government.

7th December 1963: The Reference was received by this Tribunal for adjudication.

8. On the foregoing facts, the argument put forward by Shri Roy, on behalf of the concerned workmen, was that, even assuming that the concerned workmen admitted their guilts, the punishment of dismissal inflicted on them was extremely disproportionate to the fault, particularly because there is no evidence of their previous misconduct or of even of any previous warning having been given to them and admittedly they are illiterates, who could not possibly read the alleged notices hung up both in English and Hindi saying that coming up from the Mine through the Haulage Incline Road was illegal and prohibited, and, therefore, the dismissal should be set aside. In support of his contention, he relied on the latest decision of the Supreme Court in *Hind Construction and Engineering Co. Ltd. Versus Their Workmen*, (1965) I.L.L.J. 462. Shri Roy further contended that the statement of Shri M. C. Chakravorty, Overman, Ext. M-3 should be excluded from consideration, because it does not appear to have been taken in presence of the concerned workmen in as much as their thumb impressions do not appear on the original statement (Ext. M-3). He also contended that the so-called admission of their guilt by the concerned workmen, in view of the fact that they were admittedly illiterate, should not be taken into consideration in judging their misconduct which should be decided on the evidence of the management and not on the admission of the concerned workmen or on the weakness of their case. Shri Roy also challenged the domestic enquiry as not fair and proper.

9. In reply Shri Sinha, on behalf of the Company, contended that the Agent (M. W.2) had been examined before the Tribunal and he is an eye-witness as he personally saw these concerned workmen coming out of the Haulage Incline Road and, therefore, on his evidence alone, the misconduct of the concerned workmen, apart from their admissions, is proved, as there is no reason why the evidence of the Agent (M. W. 2) should not be believed. Shri Sinha also relied on a letter (Ext. M-23), dated October, 1964, received from the Deputy Chief Inspector of Mines to the Agent of the Colliery in connection with a fatal accident to Sk. Shamsad, Badli Driller, on 21st September 1964 regarding which an enquiry was held by Shri K. S. Ghosh, Inspector of Mines (Mechanical), on 22nd September 1964 who said that the enquiry revealed that the deceased had violated the provision of Regulation 38(3)(b) by travelling along the haulage rope, and, therefore, please see that this practice of travelling by the haulage road is totally stopped in the mine and severe disciplinary action is taken against the delinquents as required under Regulation 37(1) which provides for proper discipline of persons in the mine. I may mention at this very place that Shri Roy did not refer to Ext. M-3 as this letter was of October, 1964, whereas, the particular accident in question took place on 31st January 1963 and, therefore, he argued that Ext. M-3 could have no retrospective effect and as such it is irrelevant for the purpose of the present case. On behalf of the management it

was, therefore, contended that in view of the fact that travelling through haulage incline road was dangerous and prohibited under the Mines Act deterrent punishment was called for and as such the workmen concerned, who admitted their guilt and who said that they know that travelling through the incline haulage road was illegal, had been properly dismissed. Shri Sinha also contended that the domestic enquiry was fair and proper.

10. The first question to be decided is whether the enquiry held was proper and fair. In my opinion, the enquiry, for the reasons given below, was so perverted in its procedure as to amount to no enquiry at all and the principles of natural justice or fair play have not been followed:

(a) The management did not produce at the enquiry the alleged prohibitory notices, which are alleged to have been pasted before the office and pit tops as deposited to by M. W. 1. As a matter of fact, except the alleged examination of the Overman Ext. M-3, the management examined no witness nor did it tender any evidence at all, and it withheld the evidence of the only eye-witness in the case, i.e. M. W. 2, at the enquiry stage.

(b) The only person mentioned in the Charge-Sheets Exts. M. and M. 1 as eye witness of the occurrence was the Agent, who was not at all examined at the enquiry, for reasons best known to the management. The Agent, who was examined before the Tribunal as M. W. 2, stated in his cross-examination that on the date of enquiry (6th February 1963) he was in the colliery and was not on leave but he was not on leave but he was not called at the enquiry and that his position and status are much higher than that of the Overman and he could not see why he was not called, but later he added that possibly because the Enquiry Officer thought that the case had been proved on the admissions of the workmen.

(c) On the evidence of the Agent (M. W. 2), the Overman was following him and, therefore, he also saw the workmen concerned coming out through the Haulage Incline road on the date of occurrence; but unfortunately, the Overman's name is not at all mentioned in the charge-sheets (Exts. M. and M. 1).

(d) The Overman, Shri M. C. Chakravorty, whose statement is Ext. M-3, was examined and cross-examined by the Welfare Officer (M.W. 1) and it is noted that his cross-examination by the accused persons was declined, but curiously enough the thumb impressions of either or both of the concerned workmen are not to be found on the said statement of Shri M. C. Chakravorty (Ext. M-3), nor does it show that the statement of the Overman was recorded in the presence of the two concerned workmen and further that they refused to cross-examine him. The Enquiry Officer (M.W. 1) stated that in the departmental enquiry no thumb impression of the accused is taken and, therefore, the thumb impressions in the instant case of the two accused persons were not taken on the statement of the Overman Shri Chakravorty (Ext. M-3). This statement of the Enquiry Officer (M.W. 1) cannot be accepted to be correct, because it will appear that, when the concerned workmen were cross-examined by the Enquiry Officer, as will appear from Exts. M-4 and M-5, their thumb impressions were taken on their statements not at one place but at two places. This shows that the Enquiry Officer M.W. 1 was aware that thumb marks of the accused if illiterate, had to be taken below the statement of a witness in token of the fact that the statement was recorded in his presence. But because the statement of the workman, Shri Chakravorty, Ext. M. 3, was not recorded at the enquiry in presence of the concerned workmen their thumb impressions are not there as they could not be taken. There is, therefore, no evidence, except the oral statement of the Enquiry Officer (M.W. 1), to prove that this Overman, whose statement is Ext. M-3, gave his statement in presence of the concerned workmen and that his cross-examination was declined by them. For this reason, I accept the objection, on behalf of the workmen, that the Overman was not examined in presence of the concerned workmen, and, therefore their thumb impressions were not taken on the statement of the Overman (Ext. M-3), otherwise, there was no reason why the thumb impressions of the concerned workmen were not there. I, therefore, exclude Ext. M-3 from consideration.

(e) When the Agent, the only eye witness mentioned in the two charge-sheets Exts. M and M-1, was not examined at the enquiry and the other alleged eye witness—the Overman is not mentioned in either of the charge-sheets (Exts. M and M. 1) or even in the enquiry report Ext. M-2 and for the reasons given above, I have held that his statement (Ext. M-3) was not taken in presence of

the concerned workmen, and, therefore, it should be excluded from consideration, then I do not find any evidence on behalf of the management to prove its case at the enquiry.

(f) The Enquiry Officer, M.W. 1, says he did not examine the Agent, M.W. 2, because the concerned workmen admitted their own guilt. Why then the statement of the Overman, Ext. M-3, was recorded? The Enquiry Officer, M.W. 2, should have considered, that the position and status of the Agent, M.W. 2, on his own evidence, was much higher, and, therefore, his evidence was more trustworthy than that of the Overman, and, furthermore, the Agent alone was mentioned as the sole eye-witness in the charge-sheets (Exts. M and M-1) and, therefore, it was his duty to examine the Agent at the enquiry, but he did not even call him for his examination in the enquiry, although he was present at the colliery.

(g) The Enquiry Officer (M.W. 1) admitted that the prohibitory notices under the mine Regulations were pasted before the office and pit tops both in English and Hindi and further admitted that they were not brought to the notice of the accused workmen. The concerned workmen, therefore, were given no opportunity to admit or deny, if prohibitory notices were pasted before the office and pit tops and if they knew from before, when walking through the incline haulage road that it was illegal and prohibited by the Mines Regulations.

(h) The Enquiry Officer (M.W. 1) admitted that in the charge-sheets the Overman was not mentioned, but he said that the Overman came to the office and recommended the charge-sheets and said that he saw the workmen coming through the haulage road. The Enquiry Officer further admitted that he did not bring to the notice of the accused the Mining Regulations, which banned travelling under the Incline Haulage way, because he said he was not supposed to.

(i) There is nothing to show from the enquiry papers that the workmen were asked that they had the right to bring defence witnesses and even then they did not produce any defence witnesses.

(j) Even assuming that the Overman was examined (Ext. M-3) before the two concerned workmen were examined by the Enquiry Officer (Ext. M-4 and M-5), they should have been asked by the Enquiry Officer, if they had any further statement to make or any explanation to offer, after hearing the evidence of Shri Chakravorty, but that was not done. That also supports the suggestion of the workmen that the Overman was not examined at the enquiry at all.

(k) The question put by the Enquiry Officer by way of cross-examination to the two concerned workmen were really not to get explanations or clarifications from them, regarding the circumstances appearing against them, but practically to get admissions from them. Kalo Bouri (Ext. M-4) said that he was coming through the haulage road and he knew that it was dangerous to walk along the haulage road and he must not do it in future and prayed to be excused this time, but he did not say that it was illegal.

Badal Bouri (Ext. M-5) said in his cross-examination by the Enquiry Officer that he was coming along the haulage road, when he and Kalo Bouri were seen by the Agent, because he uses the word 'us' and that he promised not to repeat the same in future and he prayed to be excused as he was a poor man. He further said that he knew that it was illegal and dangerous to come that way. The way in which the alleged admissions were obtained by the Enquiry Officer in the cross-examination were illegal.

(l) It appears that no witness on behalf of the management was examined at all and the two concerned workmen were cross-examined at the commencement of the enquiry by the Enquiry Officer, M.W. 1 to get admission from these illiterate workmen and on the basis of the same it appears the Enquiry Report, Ext. M-2, was submitted; but later on it was realised that the evidence of the Overman should be taken and therefore it was recorded in the absence of the concerned workmen. This makes the enquiry no enquiry in law at all.

11. The next question is, if the enquiry is rejected, is there any evidence left on which I can come to the conclusion that the mis-conduct of the concerned workmen has been proved? The only evidence left is of the Agent, who has been examined before me as M.W. 2. He says that he saw these two persons coming out of the haulage incline and then he asked them, if they did not know that it was prohibitive to come out of the haulage incline to which they said that they were very sorry and that they would not do this again. The Agent denied the

suggestion that they came out of the haulage incline, because they were working in the haulage mouth. Unfortunately, the prohibitive notices displayed both in Hindi and English at the entrance of the surface and bottom saying that it is prohibitive to come through the haulage incline road, were not filed even before the Tribunal. The statement of the Agent, therefore, remains uncorroborated. Except the evidence of the Agent, what is the evidence on behalf of the management, on which the misconduct of the concerned workmen can be held to have been proved beyond all reasonable doubt to the hilt? The suggestion of the workmen that they came out of the haulage incline because they were working at the mouth of the haulage incline put to M.W. 2, is a plausible explanation which shows that the alleged admissions are not at all admissions of guilt. The concerned workmen being illiterate may not have been able to follow correctly what M.W. 2 said or that M.W. 2 may not have been able to follow what the workmen said to him. No doubt M.W. 2 gives his statement in a straightforward manner, but these are the changes which might have happened as rightly suggested. On the evidence, as it stands, I am not satisfied that the misconduct of the concerned workmen has been proved beyond all reasonable doubt and, therefore, they are entitled to the benefit of doubt.

12. The next question is equally important. It was contended by Shri Roy that, in the instant case, the punishment of dismissal was disproportionate to the fault in view of the fact that admittedly these two workmen were never charge-sheeted before and their service records, if filed would have shown that they never earned any adverse remark in the course of their service. Badal Bouri is in service, according to the Company, since 1947 and Kalo Bouri is in the service for the last two years. There is absolutely no evidence, on behalf of the management, of any previous misconduct, on the part of any of these two workmen, nor there is any evidence of even warning having been given to these two workmen. Admittedly they are illiterate and they were never charge-sheeted before and there is no evidence that they knew from before that walking through the haulage incline was prohibited by notices under the Mines Regulations. In such circumstances, in my opinion, the punishment was shockingly disproportionate regard being had to the particular conduct and the past record. If they contravened the Mines Regulation for the first time, in view of their past good record, lesser punishment could have been imposed, instead of imposing the extreme punishment of dismissal in such a manner. It is true that the Tribunal should not interfere with the kind of severity of punishment, except in very extraordinary circumstances, but, in my opinion interference was justified in this instant case, because punishment was too severe and out of proportion which no reasonable employer would have imposed such an extreme punishment on the facts of the present case in similar circumstances. The imposition of such punishment legitimately shows itself victimization or unfair labour practice. This case, in my opinion, is fully covered by the decision of the Supreme Court in *Hind Construction and Engineering Co., Ltd. (Supra)* (1965, 1, L.L.J. 462) relied upon by Shri Roy.

On the evidence of W.M. 1—Kalo Bouri—he is a member of the Right Flag Union and he became a member of this union a month before receiving the charge-sheet and this union is not recognized by the management and the relationship between the management and this union is very strained. In my opinion, the fact that he is a member of the said union, which is not recognised and is not on good terms with the management, could be no ground for victimising these two workmen at all. I, therefore, reject this contentions on behalf of the workmen.

13. In the above connection, a reference was made to a letter (Ext. M-23) dated, October, 1964 which I have already referred to, from the Deputy Chief Inspector of Mines to the Agent of the Colliery regarding fatal accident to Sk. Shamsad, Badli Driller on 21st September 1964 into which an enquiry was held by Shri K. S. Ghosh, Inspector of Mines (Mechanical) on 22nd September 1964 in which it was said that the enquiry revealed that the deceased had violated the provisions of the Regulation 38(3) by travelling along the haulage road and, therefore, this practice of travelling by the haulage road should be totally stopped in the mine and severe disciplinary action taken against the delinquents as required under Section 37(1) which provides for proper discipline of persons in the mine. The simple answer of this letter is that this letter is of 1964, i.e., after the occurrence of this case, which took place in 1963. Therefore, the present case cannot be decided on the basis of Ext. 23 and on its basis deterrent punishment cannot

be justified. Therefore, reliance by the Company on Ext. M-23, in support of deterrent punishment, like imposing the punishment of dismissal, in my opinion, is not proper and fair.

14. For the reasons given above, I, therefore, hold that the dismissal of Sarvasri Badal Bouri and Kalo Bauri, Pick Dressers of Bankola Colliery, from 27th February 1963 was not justified, and, therefore, their dismissals are set aside and they are reinstated to their previous jobs with full back wages from 27th February 1963 to the date of their reinstatements with continuity of service and all other benefits to which they are entitled. The Reference is accordingly answered in favour of the workmen.

15. This is the award, which I make and submit to the Central Government under Section 15 of the Act.

Dated, Dhanbad,
The 30th June, 1965.

(Sd.) RAJ KISHORE PRASAD,
Presiding Officer,
Central Government Industrial Tribunal,
Dhanbad.

[No. 6/26/63/LRII.]

S.O. 2588.—In pursuance of section 17 of Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Alkusha Colliery of M/s. Hindusthan Coal Co., P.O. Samdi, District Burdwan and their workmen which was received by the Central Government on the 4th August, 1965.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL: CALCUTTA

REFERENCE No. 64 OF 1964.

PARTIES:

Employers in relation to the Alkusha Colliery of Hindusthan Coal Co.

AND

Their workmen.

PRESENT:

Shri L. P. Dave.—*Presiding Officer.*

APPEARANCES:

On behalf of employers.—Shri H. R. Chaudhury, Personnel Officer.

On behalf of workmen.—Absent.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

The Government of India, Ministry of Labour and Employment, by their Order No. 6/65/64-LRII dated 29th September, 1964, have referred the industrial dispute existing between the employers in relation to the Alkusha colliery and their workmen in respect of the following questions for adjudication to this Tribunal. The questions referred to for adjudication are as under:

"Whether the management of Alkusha Colliery of M/s. Hindusthan Coal Co., P.O. Samdi, District Burdwan, stopped from work Sri Ratan Roy, (Line Mistry) and S/Shri Taher Mia, Israil Mia, Rasid Mia and Rahaman Ali (Pick Miners) of Alkusha Colliery? If so whether it was justified? If not justified, to what relief are they entitled?"

2. In response to notices issued by the Tribunal, the workmen represented by the West Bengal Khan Mazdur Sangh and the employers filed their respective

written statements. The matter was then fixed for hearing. It was adjourned more than once. Once it was adjourned because the file of the Conciliation Officer was required, another time it was adjourned because the parties wanted time to settle the matter amicably. Ultimately the matter was fixed for hearing on the 13th of July on which date the Union asked for time on the ground that the Union had not been able to contact the workmen concerned. The matter was thereupon adjourned to to-day when no one appears on behalf of the workmen nor has any letter or application been received from them. I have, therefore, no other alternative but to hear the matter *ex-parte*.

3. The matter refers to 5 workmen named Ratan Roy who was said to be a Line Mistry and 4 pick-miners named Taher Mia, Israil Mia, Rasid Mia and Rahaman Ali. The union's case is that the management illegally stopped these people from work. In this connection, it may be noted that the union's case has not been consistent. According to the written statement, Ratan Roy was stopped from work from 24th February, 1964, while Taher Mia was stopped from work from 14th March, 1964, Israil Mia 6th December, 1963, Rasid Mia from 9th February, 1964, and Rahaman Ali from 28th February, 1964. When they took up the matter before the Conciliation Officer, it was alleged that all these 5 people were stopped from work from 3rd April, 1964. It would thus be apparent that the Union itself is not quite aware of the exact facts as to from what date these people were stopped from work.

4. According to the employers' case, these workers were not the regular workers of the colliery; that they used to attend the colliery for work whenever they liked and left whenever they wanted to do so. The employers have further said that Ratan Roy, Taher Mia, Israil Mia and Rasid Mia were working from 4th March, 1964, 1st February, 1962, 20th February, 1962, and 5th October 1962 respectively. They have also produced their attendance register which shows that Ratan Roy had worked for 4, 5, 8, 11, 13, 9, 14, 9 and 10 days in the months of February, March, May, June, July, August, October, November and December 1963, i.e., in 1963 his total attendance was 83 days. In 1964, he attended for 15 days and 11 days in January and February making a total of 26 days only. So far as Taher Mia is concerned, he has worked in all for 177 days in 1963 and 32 days in 1964. Israil Mia worked for 152 days in 1963; there are two Rasid Mias, one of whom worked for 30 days in 1963 and the other worked for 4 days in that year and neither of them worked after March 1963. This supports the contention of the employers that these people were working as and when they liked and that they used to give up work whenever they wanted to do so. In any case, it was for the workmen to prove that they were permanent workers and were illegally stopped from work as alleged by them. There is no evidence in support of this. That being so, I held that it has not been proved that the management had stopped these workmen from work nor is it proved that it was not justified and hence the workers are not entitled to any relief.

I pass my award accordingly.

Dated 31st July, 1965.

Sd./- L. P. DAVE,
Presiding Officer.

[No. 6/65/64-LR. II.]

S.O. 2589.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the Belampalli Division of Singareni Collieries Company Limited, P.O. Belampalli, (Andhra Pradesh) and their workmen which was received by the Central Government on the 4th August, 1965.

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH,
HYDERABAD.

PRESENT:

Dr. Mir Siadat Ali Khan, M.A., LL.B., Fazel (Osm); B.C.L., (Oxon); D. Phil., (Oxon); Bar-at-Law; (Lincoln's Inn) (London); Chairman, Industrial Tribunal, Andhra Pradesh, Hyderabad.

INDUSTRIAL DISPUTES No. 34 of 1965

BETWEEN:

Workmen of Singareni Collieries Company Limited, Bellampalli Division,
Bellampalli.

AND

The Employers of Singareni Collieries Company Limited, Bellampalli
Division, Bellampalli.

APPEARANCES:

None on behalf of either party appeared in person.

AWARD

The industrial dispute between the workmen and the employers of Singareni Collieries Company, Limited, Bellampalli Division, was referred for adjudication by Ministry of Labour and Employment, Government of India, New Delhi's Letter No. 7/11/65-LR II dated 18th May 1965, with the following issue framed in the Schedule, viz.,

"Whether the management of Singareni Collieries Company Limited is justified in terminating the services of Sarvashri Gumcsa Bheemiah, Abdul Rasool and Nallapalli Enkulu? If not, to what relief are the workmen entitled?"

2. The reference was registered here as industrial dispute No. 34/1965. The workmen filed their claims statement on 2nd of June 1965. The counter was not filed and instead a compromise petition has been received just now with a prayer that award in accordance with the agreement arrived at may be passed.

3. It should be noted that the three workmen mentioned in the issue were retired on attaining the super-annuation age of 60 years. The retirement was purported to have been effected under Rule 3 of the Age of Retirement Rules 1959-60. The allegation of the workmen was that these Rules were introduced by the employer unilaterally without the concurrence of the workmen; that the Standing Orders of the company which alone constitute the term of employment do not provide for retirement at any age. The compromise arrived at by the parties is a compromise on the several stands of the workmen and the employer. It appears from the terms of compromise that the employer has reinstated the three workmen from 18th July 1965 relegating the question of retirement to a future date. He has made it dependent on the Wage Board Recommendation of a gratuity scheme and its implementation in the Singareni Collieries. In that eventuality, if the question of re-assessing the age of the three workmen along with other workmen comes up, it will be decided according to the procedure and rules that may be laid down by the Wage Board in this regard, or, according to any other age reassessment procedure that may be agreed upon specifically by the Tandore Collieries Workers' Union in the light of the Board Recommendation as well as the provisions of the Age Retirement Rules made by the company. The other terms of the compromise are that the absence of the workmen from the date of their retirement till 18th July 1965 is to be treated as attendance for the purposes of annual leave with wages under the Mines Act and the eventual retirement benefits. The parties have also agreed that there will be no payment for the days the workmen have not worked and that the dispute is fully and finally settled and the workmen will not claim any other relief in this regard.

4. I considered the terms of the compromise in the light of the issue referred. I am satisfied that the compromise covers the said issue. I, therefore, pass this award in accordance with the agreement of the parties.

Award accordingly, given under my hand and the seal of the Court, this the 22nd July 1965.

(Sd.) M. S. ALI KHAN,
Industrial Tribunal,

[No. 7/11/65-LR.II.]

S.O. 2590.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the Mandamarri Division, Tandur Collieries, Singareni Collieries Company Limited and their workman which was received by the Central Government on the 6th August, 1965.

**BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH,
HYDERABAD**

PRESENT:

Dr. Mir Siadat Alikhan, M.A., LL.B., Fazel (Osm); B.C.L., (Oxon); D.Phil., (Oxon); Bar-at-law; (Lincoln's Inn) (London); Chairman, Industrial Tribunal, Andhra Pradesh, Hyderabad.

INDUSTRIAL DISPUTE NO. 13 OF 1965.

BETWEEN:

Workmen of Tandur Collieries, Singareni Collieries Co., Ltd., Mandamarri.

AND

The Management of Tandur Collieries, Singareni Collieries Co., Ltd.,
Mandamarri, Division.

APPEARANCES:

Neither party appeared in person.

AWARD

The industrial dispute between the employers of the Mandamarri Division, Tandur Collieries, Singareni Collieries Co., Ltd., and their workmen was referred for adjudication by the Government of India, Ministry of Labour and Employment, New Delhi's Letter No. 7/27/64-LRII, dated 10th February 1965 with the following issues framed in the Schedule to the Order of reference, viz.,

“Whether the management is justified, in having placed in Category I, as Mazdoor, the workman Shri N. S. Kumar at Kalyani Khani Mine Canteen, Mandamarri Division, Tandur Collieries, Singareni Collieries Company Limited, in view of the actual nature of duties performed by him from the date of his appointment at the Canteen to 1st August 1960 from which date he was placed in the monthly scale of Rs. 28—1—45 as Assistant Cook? If not, to what relief is the said workman entitled?”

2. The reference was registered here as industrial dispute No. 13/1965. The parties delayed the filing of their statements in writing. The claims statement was filed on 10th of April 1965 and the counter by the employer was filed on 17th May 1965. However, today, viz., the 31st July 1965, the parties have informed me that they have reached a compromise and executed a settlement. It was this day filed. I satisfied myself as to the genuineness of the compromise and considered also whether the settlement covers the issues referred. I reached the conclusion that they do. I reproduce the relevant terms of the settlement below. They are as follows:—

- “1. Without prejudice to the contentions of the employers and the workmen, it is agreed to allow Sri N. S. Kumar to work as Cook grade-I in the grade of Rs. 43—3—64—EB—3—82 from 1st July 1965.
2. There shall be no claim from any other worker for promotion to the Cook Grade-II consequent on this settlement.
3. As the grade given is to the advantage of the said worker in respect of his future prospects also the claim of additional wages that may accrue from 12th September 1957 when he was appointed to the Collieries of the Mandamarri Division to 1st August 1960 as per reference are dropped by the Union and the claim is withdrawn.
4. The above dispute stands settled fully and completely, and

5. The parties will bear their costs."

It may be noted that the employer admitted in his counter that the workmen N. S. Kumar joined company's service in Category I emoluments on 12th September 1957 but they denied that he worked from that date as a Canteen Supervisor till a canteen supervisor was appointed. The workmen have claimed that from the date of his appointment, 12th September 1957, he worked in the canteen as a supervisor and, therefore, he should be given the grade of the canteen supervisor viz., Rs. 70—158 and after the appointment of the canteen supervisor he should be given the grade of Rs. 43—82 as Cook Grade-I. Another grouse of the workmen was that even though the employer gave him from 12th September 1960 the grade of Rs. 28—1—45 but considered him as if he was a fresh employee. All these grievances are now removed by the settlement. He has been given Grade -I of the Cooks and the Union has agreed to drop the claim to the wages that would have accrued from 12th September 1957 to 1st August 1960 or even to 1st July 1965 as supervisor or cook grade No. 1.

2(1) I find the compromise in the interest of the workmen and peace in the industry. As already stated, I find also that the terms of the settlement covers the issues referred.

Award accordingly given under my hand and the seal of the Court, this the 31st Day of July, 1965.

(Sd.) M. S. ALI KHAN,
Industrial Tribunal.

[No. 2/27/64-LRIV.]

New Delhi, the 13th August 1965

S.O. 2591.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Rajasthan, Jaipur in the Industrial dispute between the employers in relation to the Hanuman Beri Mica Mine of Messrs. Rajasthan Mineral and Company, 6C & 8C Sawai Jai Singh Highway, Jaipur and their workmen which was received by the Central Government on the 5th August, 1965.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, RAJASTHAN, JAIPUR

PRESENT:

Shri J. S. Ranawat, Judge

CASE No. CIT:6 OF 1965

Ref.:—Government of India, Ministry of Labour & Employment, New Delhi Order No. 20/4/65-LRI dated 8th June, 1965.

In the matter of an Industrial Dispute

BETWEEN

The Khan Mazdoor Congress, Bhilwara

AND

The Rajasthan Mineral & Company, Jaipur

Date of Award:

24th July, 1965.

AWARD

This reference was made by the Central Government on the 8th June, 1965. It was received in this Tribunal on the 28th June, 1965. The dispute referred is as follows:—

"Whether the action of the management of Messrs. Rajasthan Mineral and Company, Jaipur, in transferring the services of their workmen employed in their Mica cutting Factory of Hanuman Beri Mica Mine to a contractor is justified? If not, to what relief are the workmen entitled?"

Before the parties were served they settled the dispute amicably through the good offices of the Conciliation Officer 'Central', Ajmer on the 3rd June, 1965.

The parties submitted a memorandum of settlement purporting to bear the signatures of both the parties under the verification of Shri B. S. Sachdev, Conciliation Officer (C), Ajmer. The terms of the said settlement are as follows:—

1. The management agrees to abolish the contract of Sri Ladu Ram Khatik from Mica Cutting Factory of Hanuman Beri Mica Mine with effect from 1st July, 1965.
2. All the workers employed under the contractor will be re-taken in employment by the management and their service shall be treated as continuous.
3. The service conditions of these workers shall remain the same as were on the date before the contract system was started.
4. Any amount or benefit due to the workers during the period of the contract shall be paid by the management.
5. The parties shall jointly make an application to the Industrial Tribunal for necessary disposal of the dispute accordingly.

The Rajasthan Mineral & Company, Jaipur and the Khan Mazdoor Congress, Bhilwara have both prayed that the reference might be disposed of in terms of the settlement. An award is passed accordingly. Let a copy of the award be submitted to the Central Government for publication.

(Sd.) J. S. RANAWAT,

Judge,

Central Government Industrial Tribunal,

Rajasthan, Jaipur.

[No. 20/4/65-LR-I.]

H. C. MANGHANI, Under Secy.

DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 11th August 1965

S.O. 2592.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General Posts and Telegraphs, hereby specifies the 1st September, 1965 as the date on which the Measured Rate System will be introduced in Alwar Telephone Exchange.

[No. 31-21/65-PHB.]

New Delhi, the 12th August 1965

S.O. 2593.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director-General Posts and Telegraphs, hereby specifies the 1st September, 1965 as the date on which the Measured Rate System will be introduced in Malegaon Telephone Exchange.

[No. 31/23/65-PHB.]

S. K. SEN,

Assistant Director General (PHB)

संचार विभाग
(डाक-तार बोर्ड)

नई दिल्ली, 11 अगस्त, 1965

स्थायी आदेश क्रमसंख्या 2594.—स्थायी आदेश क्रमसंख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गये 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक अलवर टेलीफोन केन्द्र में 1 सितम्बर, 1965 से प्रमापित दर प्रणाली चालू करने का निश्चय करते हैं।

[31-21/65-पी० एच० बी०]

नई दिल्ली, 12 अगस्त, 1965.

स्थायी आदेश क्रमसंख्या 2595.—स्थायी आदेश क्रमसंख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गए 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक मातेगांव टेलीफोन केन्द्र में 1 सितम्बर, 1965 से प्रमापित दर प्रणाली चालू करने का निश्चय करते हैं।

[31-23/65-पी० एच० बी०]

एच० के० सेन,

सहायक महानिदेशक (पी० एच० बी०)

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 31st July, 1965

S.O.2596.—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby directs that the following further amendments shall be made in the Schedule to the notification of Government of India in the Ministry of Finance (Department of Revenue) No. S.R.O. 612, dated the 28th February, 1957, namely :—

In the said Schedule—

1. In Part I, General Central Service, Class II, under the heading "Department of Revenue" for the entry "Assistant Statistician (Income-tax)" in column 1 and the corresponding entries in the other columns, the following shall be substituted, namely :—

"Directorate of Inspection (Income-tax)"

1	2	3	4
All posts	Director of Inspection (Income-tax).	Director of Inspection (Income-tax).	All

Directorate of Inspection
(Investigation)

1	2	3	4
All posts	Director of Inspection (Investigation)	Director of Inspection (Investigation)	All
	Directorate of Inspection (Research, Statistics and Publication).		

1	2	3	4
All posts]	Director of Inspection (Research, Statistics and Publication).	Director of Inspection (Research, Statistics and Publication).	All"

2. in Part II, General Central Service, Class III,

(a) for the entries under the heading "Directorate of Inspection (Income-tax)", the following entries shall be substituted, namely :—

1	2	3	4	5
"Superintendents and Assistants.	Director of Inspection (Income-tax).	Director of Inspection (Income-tax). Deputy Director of Inspection (Income-tax).	All. (i) to (iii)	Central Board of Direct Taxes. Director of Inspection (Income-tax).
All other posts	Director of Ins- pection (Income- tax)	Director of Inspection (Income-tax). Deputy Director of Inspection (Income-tax). Assistant Director of Inspection (Income-tax).	All (i) to (iii) (i)	Central Board of Direct Taxes. Director of Inspection (Income-tax). Director of Inspection (Income-tax)";

(b) for the entries under the heading "Directorate of Inspection (Investigation)", the following entries shall be substituted, namely :—

1	2	3	4	5
"Superintendents and Assistants.	Director of Ins- pection (Investigation).	Director of Inspec- tion (Investi- gation). Deputy Director of Inspection (Investigation).	All (i) to (iii)	Central Board of Direct Taxes. Director of Inspection (Investigation)
All other posts	Director of Inspec- tion (Investiga- tion).	Director of Inspec- tion (Investiga- tion). Deputy Director of Inspection (Investigation). Assistant Director of Inspection (Investigation).	All (i) to (iii) (i)	Central Board of Direct Taxes. Director of Inspection (Investigation) Director of Inspection (Investiga- tion)";

(c) after the heading "Directorate of Inspection (Investigation)" and the entries thereunder, the following shall be inserted, namely :—

"Directorate of Inspection (Research, Statistics and Publication)

1	2	3	4	5
Superintendents and Assistants.	Director of Ins- pection (Re- search, Statistics and Publication).	Director of Inspec- tion (Research, Statistics and Publication).	All	Central Board of Direct Taxes.

1	2	3	4	5
		Deputy Director of Inspection (Research, Statistics and Publication) [In respect of persons other than those working under the Statistician (Income-tax)].	(i) to (iii)	Director of Inspection (Research, Statistics and Publication).
		Statistician (Income-tax) (in respect of persons working under him).	(i) to (iii)	Director of Inspection (Research, Statistics and Publication).
All other posts	Director of Inspection (Research, Statistics and Publication).	Director of Inspection (Research, Statistics and Publication).	All	Central Board of Direct Taxes.
		Deputy Director of Inspection (Research, Statistics and Publication).	(i) to (iii)	Director of Inspection (Research, Statistics and Publication).
		[In respect of persons other than those working under the Statistician (Income-tax)].		
		Assistant Director of Inspection (Research, Statistics and Publication).	(i)	Director of Inspection (Research, Statistics and Publication).
		[In respect of persons other than those working under the Statistician (Income-tax)].		
		Statistician (Income-tax) (in respect of persons working under him).	(i) to (iii)	Director of Inspection (Research, Statistics and Publication)";

(d) for the heading "Income-tax Department" and the entries thereunder, the following shall be substituted, namely :—

"Income-tax Department.

1	2	3	4	5
(a) Inspector; Supervisor (Grades I and II); Head Clerk.	Commissioner of Income-tax.	Commissioner of Income-tax	All	Central Board of Direct Taxes.
		Assistant Commissioner of Income-tax.	(i) to (iii)	Commissioner of Income-tax.

1	2	3	4	5
		Income-tax Officer (i)		Commissioner of Income-tax
(b) All other posts				
(i) Posts in the office of the Commissioner of Income-tax.	(a) Assistant Commissioner of Income-tax (Headquarters).	(i) Assistant Commissioner of Income-tax (Headquarters).	All	Commissioner of Income-tax.
		(ii) Income-tax Officer (Headquarters).	(i) to (iii)	Commissioner of Income-tax.
	(b) Where there is no Assistant Commissioner of Income-tax (Headquarters), the Income-tax Officer (Headquarters).	Income-tax Officer (Headquarters).	All	Commissioner of Income-tax.
(ii) Posts other than those in the Office of the Commissioner of Income-tax.	Assistant Commissioner of Income-tax.	(i) Assistant Commissioner of Income-tax.	All	Commissioner of Income-tax.
		(ii) Income-tax Officer.	(i) to (iii)	Commissioner of Income-tax";

(e) the heading "Statistical Branch (Income-tax)" and the entries thereunder shall be omitted;

3. in Part III, General Central Service, Class IV.

(a) for the entries under the heading "Directorate of Inspection (Income-tax)", the following entries shall be substituted, namely:—

1	2	3	4	5
"All Posts	Deputy Director of Inspection (Income-tax)	Deputy Director of Inspection (Income-tax).	All	Director of Inspection (Income-tax).
		Assistant Director of Inspection (Income-tax).	(i) to (iii)	Deputy Director of Inspection (Income-tax)";

(b) for the entries under the heading "Directorate of Inspection (Investigation)", the following entries shall be substituted, namely:—

1	2	3	4	5
"All posts	Deputy Director of Inspection (Investigation)	Deputy Director of Inspection (Investigation).	All	Director of Inspection (Investigation)
		Assistant Director of Inspection (Investigation).	(i) to (iii)	Deputy Director of Inspection (Investigation)";

(c) after the heading "Directorate of Inspection (Investigation)" and the entries thereunder, the following shall be inserted, namely:—

"Directorate of Inspection (Research, Statistics and Publication)

1	2	3	4	5
"All Posts	Deputy Director of Inspection (Research, Statistics and Publication).	Deputy Director of Inspection (Research, Statistics and Publication).	All	Director of Inspection (Research, Statistics and Publication).

1	2	3	4	5
		[In respect of persons other than those working under the Statistician (Income-tax)].		
		Assistant Director of Inspection (Research, Statistics and Publication).	(i) to (iii)	Deputy Director of Inspection (Research, Statistics and Publication).
		[In respect of persons other than those working under the Statistician (Income-tax)].		
	Statistician (Income-tax).	Statistician (Income-tax).	All	Deputy Director of Inspection (Research, Statistics and Publication)";
		[In respect of persons working under him].		

(d) for the entries under the heading "Income-tax Department", the following entries shall be substituted, namely :—

1	2	3	4	5
"All posts—				
(a) Posts in the office of the Commissioner of Income-tax.	Income-tax Officer (Headquarters).	Income-tax Officer (Headquarters).	All	Commissioner of Income-tax.
(b) Posts in the office of the Assistant Commissioner of Income-tax.	Assistant Commissioner of Income-tax.	Assistant Commissioner of Income-tax.	All	Commissioner of Income-tax.
(c) Posts in the office of the Income-tax Officer.	Income-tax Officer	Income-tax Officer	All	Inspecting Assistant Commissioner of Income tax, and where there is no Inspecting Assistant Commissioner of Income tax, the Commissioner of Income-tax'.

(e) the heading "Statistical Branch (Income-tax)" and the entries thereunder shall be omitted.

[No. F. 22/19/65-Ad. IX 1

S. P. PANDE, Dy. Secy.

(Department of Revenue)

INCOME-TAX

New Delhi, the 7th August 1965

S.O. 2597.—In exercise of the powers conferred by sub-section (6) of section 88 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Sri Kasiviswvanathaswamy Temple, Tenakshi, Madras State to be of historic, archaeological and artistic importance for the purpose of the said section.

[No. 66/F. No. 16/4/65-IT(AI).]

New Delhi, the 9th August, 1965.

S.O. 2598.—In exercise of the powers conferred by sub-section (6) of section 88 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the following temple as a place of public worship of renown throughout the State of Andhra Pradesh for the purposes of the said section:

Shri Bhadrachala Seetaramalaya Temple, Bhadrachalam.

[No. 67/F. No. 16/71/64-IT(AI).]

New Delhi, the 10th August 1965

S.O. 2599.—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Medical Research, the "prescribed authority", for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (43 of 1961).

Institution

Cancer Institute (W.I.A.), Madras.

[No. 68 (F.No. 10/74/65-IT(AI).]

G. R. DESAI, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 11th August 1965

S.O. 2600.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-clause (ii) of clause (c) of sub-section (1) of section 10 of the said Act shall not apply to the United Commercial Bank Ltd., Calcutta, till the 30th June 1968 in so far as the said provisions prohibit Shri R. B. Shah, its General Manager (Chief Executive Officer), from being a director of the Assam State Financial Corporation.

[No. F. 15(16)-BC/65.]

R. N. P. SINHA, Under Secy.

(Department of Company Affairs and Insurance)

New Delhi, the 12th August 1965

S.O. 2601.—In pursuance of the provisions of sub-section (1) of section 11 and sections 12 and 13 of the Emergency Risks (Factories) Insurance Act, 1962 (63 of 1962), the Central Government hereby authorises the Deputy Director and the Chief Enforcement Officers, employed in connection with the emergency risks insurance work in the Ministry of Finance (Department of Company Affairs and Insurance) for the purposes of the said provisions.

[No. F. 108(4)-INS.I/65-ERI-I.]

S.O. 2602.—In pursuance of the provisions of sub-section (1) of section 8 and sections 14 and 15 of the Emergency Risks (Goods) Insurance Act, 1962 (62 of 1962), the Central Government hereby authorises the Deputy Director and the Chief Enforcement Officer employed in connection with the emergency risks insurance work in the Ministry of Finance (Department of Company Affairs and Insurance) for the purposes of the said provisions.

[No. F. 108(4)-INS.I/65-ERI-II.]

S.O. 2603.—In pursuance of the provisions of sub-section (1) of section 8 of the Emergency Risks (Factories) Insurance Act, 1962 (63 of 1962), the Central Government hereby authorises the Deputy Director, Chief Enforcement Officers

and Enforcement Officers, employed in connection with the emergency risks insurance work, in the Ministry of Finance (Department of Company Affairs and Insurance) to exercise all or any of the powers specified in the said sub-section.

[No. F. 108(4)-INS.I/65-ERI-III.]

S.O. 2604.—In pursuance of the provisions of sub-section (1) of section 11 of the Emergency Risks (Goods) Insurance Act, 1962 (62 of 1962), the Central Government hereby authorises the Deputy Director, Chief Enforcement Officers and Enforcement Officers, employed in connection with the emergency risks insurance work, in the Ministry of Finance (Department of Company Affairs and Insurance) to exercise all or any of the powers specified in the said sub-section.

[No. F. 108(4)-INS.I/65-ERI-IV.]

S. S. SHARMA, Under Secy.

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 11th August 1965

S.O. 2605.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf and in supersession of all previous notifications in this regard, the Central Board of Direct Taxes directs that the Appellate Assistant Commissioners of Income-tax of the Ranges specified in Column 1 of the schedule below shall perform their functions in respect of all persons and incomes assessed to Income-tax or Super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column thereof:

SCHEDULE

Range	Income-tax Circles, Wards and Districts.
1	2
1. 'A' Range, Bangalore.	1. Bangalore City Circle I. 2. Company Circle, Bangalore. 3. Kolar Circle. 4. Raichur Circle. 5. Gulbarga Circle. 6. Estate Duty cum Income-tax Circle, Bangalore.
2. 'B' Range, Bangalore.	1. Bangalore City Circle II. 2. Bangalore City Circle III. 3. Salary Circle, Bangalore. 4. Central Circles I & II, Bangalore. 5. Special Survey Circle, Bangalore. 6. Tumkur Circle. 7. Chitradurga Circle.
3. Mysore.	1. Mysore Circle. 2. Mangalore Circle. 3. Udipi Circle. 4. Coorg Circle. 5. Hassan Circle. 6. Davangere Circle. 7. Estate Duty cum Income-tax Circle, Mangalore.
4. Dharwar	1. Dharwar Circle. 2. Hubli Circle. 3. Karwar Circle. 4. Shimoga Circle. 5. Estate Duty cum Income-tax Circle, Dharwar.

1

2

- | | |
|----------------------|--|
| 5. Belgaum | 1. Belgaum Circle.
2. Bijapur Circle.
3. Bellary Circle.
4. Goa Circle. |
|----------------------|--|

When as Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of Income-tax of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, from the date this notification shall take effect be transferred to and dealt with by the Appellate Assistant Commissioner of Income-tax of the Range to whom the said Circle, Ward or District or part thereof is transferred.

This Notification shall take effect from 16th August 1965.

Explanatory Note

The amendments have become necessary on account of the re-organisation of the Appellate Ranges in the Commissioners charge and abolition of special Survey Circle, Dharwar.

(The above note does not form a part of the notification but is intended to be merely clarificatory)

[No. 69(F.No.50/12/65-IT):]

S. O. 2636.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act 1961 (43 of 1961) and of all the other powers enabling it in that behalf and in supersession of all the previous notifications in this regard, the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioner of Income-tax of the Ranges specified in column 1 of the Schedule below, shall perform their functions in respect of all persons and incomes assessed to Income-tax or Super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof:—

SCHEDULE

Range	Income-tax Circles, Wards and Districts
1	2
A-Range, New Delhi	1. Income-tax Cum Wealth-tax Circle VII, New Delhi 2. All Companies Circles, New Delhi except Companies Circle II, V & VI, New Delhi. 3. B-I, B-I(1), B-III, B-III(1), B-XVI, B-XVI(1) and B-XVI(2) Districts, New Delhi. 4. All Salary circles, New Delhi. 5. Central Circles V & VI, Delhi (for appeals filed upto 14-5-1964). 6. Evacuee Circle, New Delhi. 7. All Contractors Circles, New Delhi. 8. Ward No. VIII, Delhi.
B-Range, New Delhi	1. Income-tax Cum Wealth-tax Circles III and IX, New Delhi. 2. Special Circles and Additional Special Circle II, New Delhi. 3. Special Investigation Circles A & B, New Delhi. 4. Central Circles I, II, III, IV and V, Delhi (for appeals filed after 14-5-1964). 5. A-I, A-I(1), A-III & Addl. A-III Districts, New Delhi 6. B-II and B-II(1) Districts, New Delhi. 7. Refund Circle, New Delhi. 8. All Business Circles, New Delhi. 9. Wards Nos. VI, IX(1), IX(2), IX(3), IX(4) and IX(5), Delhi. 10. Special Survey Circles I, II, III, IV & V, New Delhi.
C-Range, New Delhi.	1. Income-tax Cum Wealth-tax Circles VIII and X, New Delhi. 2. Companies Circle II Cum Wealth-tax Circle X, New Delhi. 3. Central Circles III & IV, Delhi (for appeals filed upto 14-5-1964). 4. Estate Duty Cum Income-tax Circle, New Delhi.

1	2
D—Range, New Delhi.	5. C-I, C-I(I), C-II and C-III Districts, New Delhi. 6. Foreign Section, Delhi. 7. Survey Wards Nos. 1 and 2, Delhi. 8. Wards Nos. I, 1(1), 1(2), III, IV, II, V, Delhi. 9. B-XI, B-XII, B-XIII, B-XIII(1) Districts, New Delhi. 10. D-I and D-II Districts, New Delhi. 11. Companies Circle VIII & IX, New Delhi. 12. Special Assessment Circles IX & X, New Delhi. 1. Income-tax Cum Wealth-tax Circle IV, New Delhi. 2. Companies Circle II, V & VI, New Delhi. 3. A-IV, A-IV(I) Districts, New Delhi. 4. B-V, B-V(I), B-VII, B-VII(I), Addl. B-VII, B-X, B-XII, B-XII(I) Districts, New Delhi. 5. Central Circle I, Delhi (for appeals filed up to 14-5-1964) 6. Wards Nos. VII, VII(I), VII(2), V-II(3) and V-II(4), Delhi.
E—Range, New Delhi.	1. Income-tax-Cum Wealth tax, Circles I, II, V and VI, New Delhi. 2. A-II District, New Delhi. 3. B-IV, B-IV(1), B-VIII, B-VIII(1), B-VI, B-VI(1), B-XV(1), B-XV, B-XV(2) Districts, New Delhi. 4. Special Assessment Circle I, II, III & IV, New Delhi. 5. Special Survey Circles VI, VII, VIII, IX, New Delhi. 1. B-XVIII, B-XVIII(1) and Addl. B-XVIII Districts, New Delhi. 2. B-VII, B-VII(1), B-IX, B-XIV, B-XIV(1), B-XIV(2), B-XVII, B-XVII(1), B-XVII(2), B-XVII(3) and B-XVII(4) Districts, New Delhi. 3. Central Circle II, Delhi (for appeals filed up to 14-5-1964). 4. All Private Salary Circles, New Delhi. 5. Income-tax-Cum-Wealth-tax Circle XI, New Delhi. 6. Special Assessment Circles V, VI, VII, VIII, New Delhi.
F—Range, New Delhi.	

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Income-tax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of Income-tax of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, from the date this notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or Part thereof is transferred.

Explanatory Note.

The amendments have become necessary on account of creation of new Circles, and to evenly distribute work load amongst the AACs.

(The note does not form a part of the notification but is intended to be merely clarificatory.)

[70 (F. No. 50/10/64-IT)].

S. O. 2607.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf and in supersession of all the previous notifications in this regard, the Central Board of Direct Taxes hereby directs that the Appellate Assistant Commissioners of Income-tax of the ranges specified in column 1 of the Schedule below, shall perform their functions in respect of all persons and incomes assessed to Income-tax or Super-tax in the Income-tax Circles, Wards and Districts specified in the corresponding entry in column 2 thereof.

SCHEDULE

Range	Income-tax Circles, Wards and districts.
1	2
A—Range, Jaipur.	1. B. Addl. B, C, E & G wards, Jaipur. 2. Special Investigative Circle, A, Jaipur. 3. Central Circle-I, Jaipur. 4. Companies Circle, Jaipur. 5. Special Survey Circle, Jaipur.

1	2
	6. All Income-tax Wards having headquarters at Kota. 7. Alwar and Addl. Alwar. 8. Bhilwara. 9. A and B Wards, Alwar. 10. Sikar. 11. Special Assessment Circle II, Jaipur. 12. Special Assessment Circle III, Jaipur.
B—Range, Jaipur	1. A, Addl. A, D & F wards, Jaipur. 2. Special Investigation Circle, B, Jaipur 3. Central Circle-II, Jaipur. 4. Salary Circles I & II, Jaipur. 5. Estate-duty-cum-Incometax Circle, Jaipur. 6. Beawar. 7. Bharatpur, A & B Wards, Bharatpur. 8. A and B Wards, Ajmer and Multi-purpose Project Circle, Ajmer. 9. All Income-tax wards having headquarters at Sriganganagar. 10. Pali, A and B Wards, Pali. 11. Jhunjhunu. 12. Special Assessment Circle, I, Jaipur.
Jodhpur	1. All Incometax wards having headquarters at Jodhpur 2. All Incometax Wards having headquarters at Udaipur 3. All Incometax Wards having headquarters at Bikaner 4. Sirohi. 5. Special Assessment Circles I & II, Jodhpur. 6. Special Assessment Circle I, Udaipur.

Where an Income-tax Circle, Ward or District or part thereof stands transferred by this notification from one Range to another Range, appeals arising out of assessments made in that Incometax Circle, Ward or District or part thereof and pending immediately before the date of this notification before the Appellate Assistant Commissioner of Income-tax of the Range from whom that Income-tax Circle, Ward or District or part thereof is transferred shall, from the date this notification shall take effect, be transferred to and dealt with by the Appellate Assistant Commissioner of the Range to whom the said Circle, Ward or District or part thereof is transferred.

Explanatory Note

The amendments have become necessary on account of creation of new Circles, and to evenly distribute work load amongst the AAC.

(This note does not form a part of the notification but is intended to be merely clarificatory).

[No. 71 (F. No. 50/10/64-IT)].

(P. G. GANDHI,
Under Secy.)

MINISTRY OF INDUSTRY & SUPPLY (Department of Industry)

ORDER

New Delhi, the 11th August 1965

S.O. 2698.—In exercise of the powers conferred by section 5 of the Industries (Development and Regulation) Act, 1951, read with rule 4 of the Central Advisory Council (Procedural) Rules, 1952, the Central Government hereby appoints Shri D. C. Baijal, to be a member, till the 8th July 1967, of the Central Advisory Council of Industries established by the Order of the Government of India in the Ministry of Industry and Supply No. S.O. 2029, dated the 9th July, 1965, and directs that the following amendment shall be made in the said Order, namely:—

In the said Order, after entry No. 29 relating to Shri M. S. Rao, the following entry shall be added, namely:—

"29A. Shri D. C. Baijal, Chairman, Bharat Heavy Electricals Ltd., 5, Parliament Street, New Delhi."

[No. 1(3) Lic. Pol./65.]

J. S. BAKSHI, Under Secy.